As Introduced

136th General Assembly
Regular Session
2025-2026

H. B. No. 96

Representative Stewart

A BILL

To amend sections 9.239, 9.27, 9.28, 9.312, 9.331, 9.334, 9.47, 9.821, 102.02, 107.71, 113.05, 113.13, 113.40, 113.51, 119.062, 120.06, 120.08, 121.02, 121.03, 121.084, 121.085, 121.22, 121.35, 121.36, 121.37, 122.175, 122.1710, 122.4041, 122.41, 122.42, 122.47, 122.49, 122.53, 122.571, 122.59, 122.66, 122.67, 122.68, 122.681, 122.69, 122.70, 122.701, 122.702, 122.85, 123.10, 123.21, 123.211, 123.28, 123.281, 124.02, 124.07, 124.11, 124.134, 124.135, 124.136, 124.1310, 124.1312, 124.142, 124.15, 124.152, 124.17, 124.181, 124.382, 124.384, 124.385, 124.386, 124.81, 125.01, 125.02, 125.035, 125.036, 125.04, 125.041, 125.05, 125.051, 125.061, 125.07, 125.071, 125.072, 125.073, 125.09, 125.091, 125.11, 125.13, 125.18, 125.183, 125.31, 125.42, 125.58, 125.601, 126.14, 126.141, 126.32, 126.42, 127.16, 128.021, 128.46, 128.99, 131.01, 131.50, 131.51, 135.01, 135.03, 135.18, 135.71, 141.01, 145.01, 145.334, 149.3010, 149.311, 149.38, 149.43, 153.01, 153.013, 153.07, 153.08, 153.09, 153.12, 153.13, 153.14, 153.50, 153.501, 153.502, 153.503, 153.54, 153.63, 153.65,

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6111.02, 6111.022, 6111.023, 6111.024, 6111.025,

6111.027, and 6111.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 122.66 (5101.311), 122.67 (5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 (5101.315), 122.70 (5101.316), 122.701 (5101.317), 122.702 (5101.318), 943.20 (944.03), 943.21 (944.04), 943.22 (944.05), 943.23 (944.06), 943.24 (944.07), 943.25 (944.08), 3701.65 (5180.72), 3738.01 (5180.27), 3738.02 (5180.271), 3738.03 (5180.272), 3738.04 (5180.273), 3738.05 (5180.274), 3738.06 (5180.275), 3738.07 (5180.276), 3738.08 (5180.277), 3738.09 (5180.278), 5101.13 (5180.40), 5101.131 (5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 (5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 (5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 (5180.421), 5101.144 (5180.411), 5101.145 (5180.422), 5101.146 (5180.423), 5101.147 (5180.424), 5101.148 (5180.425), 5101.149 (5180.426), 5101.1410 (5180.427), 5101.1411 (5180.428), 5101.1412 (5180.429), 5101.1413 (5180.4210), 5101.1414 (5180.4211), 5101.1415 (5180.4212), 5101.1416 (5180.4213), 5101.1417 (5180.4214), 5101.1418 (5180.43), 5101.15 (5180.44), 5101.19 (5180.45), 5101.191 (5180.451), 5101.192 (5180.452), 5101.193 (5180.453), 5101.194 (5180.454), 5101.34 (5180.70), 5101.341 (5180.701), 5101.342 (5180.702), 5101.343 (5180.703), 5101.76 (5180.26), 5101.77 (5180.261), 5101.78

(5180.262), 5101.802 (5180.52), 5101.804 (5180.71), 5101.805 (5180.704), 5101.85 (5180.50), 5101.851 (5180.51), 5101.853 (5180.511), 5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 5104.50 (5180.04), and 5180.40 (5180.73); to enact new sections 3312.02, 3313.902, 3314.38, 3321.191, 3333.0415, 3345.86, and 3780.22 and sections 109.872, 122.97, 123.282, 126.10, 126.67, 126.70, 149.312, 153.695, 166.36, 166.37, 166.38, 169.061, 169.081, 943.27, 944.01, 944.02, 1501.47, 1513.371, 1546.25, 1546.26, 1713.032, 1713.033, 1713.041, 3301.24, 3301.82, 3313.6031, 3313.6032, 3313.8110, 3314.0311, 3314.0312, 3314.362, 3317.165, 3317.27, 3317.28, 3317.29, 3317.31, 3319.173, 3319.2310, 3319.271, 3326.092, 3326.093, 3333.0420, 3333.074, 3333.96, 3345.601, 3345.721, 3345.79, 3345.83, 3701.842, 3701.843, 3701.844, 3706.042, 3721.073, 3721.074, 3722.031, 3734.283, 3770.074, 3770.075, 3793.01, 3793.02, 3793.03, 3793.04, 3793.05, 3793.06, 3793.20, 3793.21, 3793.22, 3793.23, 3793.24, 3793.25, 3793.30, 3793.40, 3793.41, 3793.42, 3793.43, 3793.44, 3793.45, 3793.46, 3793.47, 3793.90, 3901.3815, 4113.31, 4141.011, 4141.44, 4503.511, 4507.41, 4508.023, 4729.261, 4758.49, 4758.491, 4758.65,

4758.651, 4798.08, 4798.10, 4928.545, 5101.612, 5103.039, 5103.09, 5104.302, 5104.53, 5104.60, 5119.211, 5119.344, 5123.1613, 5123.423, 5123.68, 5123.681, 5123.682, 5123.683, 5123.684, 5123.685, 5123.686, 5162.25, 5180.99, 5703.901, 5747.051, 5747.073, and 5747.761; and to repeal sections 113.06, 122.451, 122.55, 122.56, 122.561, 122.57, 124.183, 125.092, 125.093, 125.10, 125.112, 125.181, 125.36, 125.38, 125.43, 125.49, 125.51, 125.56, 125.60, 125.602, 125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012, 125.65, 125.76, 125.95, 128.412, 135.144, 904.06, 905.56, 935.25, 956.181, 1561.18, 1561.21, 1561.22, 3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3313.902, 3314.38, 3317.036, 3317.23, 3317.231, 3317.24, 3321.191, 3333.0415, 3345.86, 3354.24, 3780.18, 3780.19, 3780.22, 4729.551, 4758.18, 4758.241, 4758.50, 4758.52, 4928.57, 4928.581, 4928.582, 4928.583, 5104.08, 5123.352, 5163.05, 5180.23, 5180.24, 5180.34, 5503.031, 5745.13, 5902.06, and 5902.20 of the Revised Code and to repeal Sections 125.10 as subsequently amended and 125.11 as subsequently amended of H.B. 59 of the 130th General Assembly to make operating appropriations for the biennium beginning July 1, 2025, and ending June 30, 2027, to levy taxes, and to provide authorization and conditions for the operation of state programs.

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

Section 101.01. That sections 9.239, 9.27, 9.28, 9.312, 9.331, 9.334, 9.47, 9.821, 102.02, 107.71, 113.05, 113.13, 113.40, 113.51, 119.062, 120.06, 120.08, 121.02, 121.03, 121.084, 121.085, 121.22, 121.35, 121.36, 121.37, 122.175, 122.1710, 122.4041, 122.41, 122.42, 122.47, 122.49, 122.53, 122.571, 122.59, 122.66, 122.67, 122.68, 122.681, 122.69, 122.70, 122.701, 122.702, 122.85, 123.10, 123.21, 123.211, 123.28, 123.281, 124.02, 124.07, 124.11, 124.134, 124.135, 124.136, 124.1310, 124.1312, 124.142, 124.15, 124.152, 124.17, 124.181, 124.382, 124.384, 124.385, 124.386, 124.81, 125.01, 125.02, 125.035, 125.036, 125.04, 125.041, 125.05, 125.051, 125.061, 125.07, 125.071, 125.072, 125.073, 125.09, 125.091, 125.11, 125.13, 125.18, 125.183, 125.31, 125.42, 125.58, 125.601, 126.14, 126.141, 126.32, 126.42, 127.16, 128.021, 128.46, 128.99, 131.01, 131.50, 131.51, 135.01, 135.03, 135.18, 135.71, 141.01, 145.01, 145.334, 149.3010, 149.311, 149.38, 149.43, 153.01, 153.013, 153.07, 153.08, 153.09, 153.12, 153.13, 153.14, 153.50, 153.501, 153.502, 153.503, 153.54, 153.63, 153.65, 153.693, 164.01, 164.05, 164.06, 164.08, 164.14, 165.04, 166.03, 166.08, 169.01, 169.05, 169.08, 169.12, 169.99, 173.38, 173.381, 173.391, 173.525, 175.16, 175.17, 307.515, 307.86, 307.985, 340.01, 340.011, 340.02, 340.021, 340.022, 340.03, 340.032, 340.034, 340.036, 340.037, 340.04, 340.041, 340.05, 340.07, 340.08, 340.09, 340.12, 340.13, 340.16, 718.031, 718.85, 718.88, 718.89, 718.90, 731.14, 731.141, 733.40, 901.43, 904.02, 904.04, 905.32, 905.57, 907.13, 907.14, 909.01, 909.02, 909.07, 909.08, 909.09, 909.13, 911.02, 913.23, 915.16, 915.24, 921.01, 921.02, 921.06, 921.09, 921.11, 921.12, 921.13, 921.14, 921.16, 921.23, 921.24, 921.26, 923.42, 923.44, 923.51, 924.51, 927.53,

928.02, 928.03, 928.04, 935.06, 935.07, 935.09, 935.10, 935.16, 935.17, 935.20, 935.24, 943.01, 943.04, 943.16, 943.20, 943.21, 943.22, 943.23, 943.24, 943.25, 943.26, 943.99, 956.07, 956.10, 956.13, 956.16, 956.18, 956.21, 956.22, 956.23, 993.01, 993.04, 1311.252, 1321.21, 1347.08, 1509.03, 1509.221, 1509.36, 1517.11, 1521.16, 1521.23, 1522.12, 1533.11, 1533.131, 1533.32, 1533.71, 1533.721, 1533.731, 1533.77, 1546.01, 1547.531, 1547.54, 1548.06, 1561.13, 1561.16, 1561.46, 1561.48, 1701.04, 1701.07, 1703.041, 1707.36, 1707.37, 1707.46, 1707.47, 1713.03, 2101.16, 2151.27, 2151.311, 2151.316, 2151.356, 2151.3527, 2151.416, 2151.4115, 2151.421, 2151.423, 2151.424, 2151.45, 2151.451, 2151.452, 2151.453, 2152.21, 2152.26, 2909.05, 2915.01, 2921.13, 2921.36, 2925.14, 2927.02, 2927.11, 2945.401, 2953.32, 2967.12, 2967.28, 2969.13, 3101.08, 3107.01, 3107.012, 3107.031, 3107.033, 3107.034, 3107.062, 3107.063, 3107.064, 3107.065, 3107.38, 3107.391, 3109.14, 3109.171, 3109.172, 3109.173, 3109.178, 3115.201, 3119.01, 3121.01, 3121.441, 3123.89, 3123.90, 3301.079, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.0727, 3301.136, 3301.17, 3301.221, 3301.541, 3301.57, 3302.03, 3302.034, 3302.13, 3302.20, 3310.033, 3312.01, 3312.07, 3312.08, 3312.09, 3312.10, 3312.13, 3313.411, 3313.413, 3313.60, 3313.608, 3313.609, 3313.6013, 3313.6020, 3313.6028, 3313.617, 3313.618, 3313.6113, 3313.6114, 3313.64, 3313.6611, 3313.753, 3313.90, 3314.013, 3314.016, 3314.017, 3314.02, 3314.03, 3314.034, 3314.05, 3314.08, 3314.261, 3314.29, 3314.35, 3314.351, 3314.36, 3314.361, 3314.381, 3314.382, 3317.01, 3317.011, 3317.012, 3317.014, 3317.016, 3317.017, 3317.018, 3317.019, 3317.0110, 3317.02, 3317.021, 3317.022, 3317.024, 3317.026, 3317.0212, 3317.0213, 3317.0215, 3317.0217, 3317.0218, 3317.051, 3317.06, 3317.11, 3317.16, 3317.161, 3317.162, 3317.163, 3317.20, 3317.201, 3317.22, 3317.25, 3317.26, 3318.032, 3318.12, 3318.40, 3319.073, 3319.111, 3319.223,

3319.301, 3320.04, 3321.16, 3321.19, 3321.21, 3321.22, 3323.32, 3325.08, 3325.16, 3325.17, 3326.11, 3326.44, 3327.101, 3328.24, 3333.04, 3333.041, 3333.071, 3333.129, 3333.164, 3333.24, 3334.11, 3334.12, 3345.033, 3345.06, 3345.14, 3345.57, 3345.69, 3345.691, 3345.692, 3345.71, 3345.74, 3345.75, 3354.19, 3501.01, 3513.10, 3701.033, 3701.045, 3701.65, 3701.841, 3704.14, 3705.126, 3705.17, 3706.01, 3706.04, 3706.46, 3714.07, 3714.073, 3715.021, 3719.04, 3721.01, 3721.026, 3721.07, 3721.32, 3722.01, 3722.03, 3722.04, 3722.06, 3722.13, 3728.01, 3734.021, 3734.05, 3734.281, 3734.57, 3734.79, 3734.85, 3734.901, 3734.904, 3734.907, 3738.01, 3738.03, 3738.04, 3738.06, 3738.08, 3738.09, 3742.32, 3742.50, 3743.56, 3745.11, 3748.13, 3750.02, 3769.03, 3769.088, 3769.091, 3770.02, 3770.071, 3770.072, 3770.073, 3770.10, 3770.12, 3770.121, 3770.13, 3770.25, 3772.06, 3775.16, 3776.01, 3780.02, 3780.03, 3780.06, 3780.10, 3780.23, 3780.25, 3780.26, 3780.30, 3781.10, 3781.102, 3901.07, 3902.70, 3905.72, 3951.03, 4111.99, 4115.36, 4141.01, 4141.02, 4141.11, 4141.162, 4141.23, 4141.28, 4141.281, 4141.29, 4141.33, 4141.56, 4141.60, 4301.12, 4301.19, 4301.30, 4303.183, 4303.204, 4303.2011, 4303.233, 4305.13, 4305.131, 4501.027, 4501.11, 4503.10, 4503.102, 4503.20, 4503.29, 4503.41, 4503.91, 4505.09, 4506.01, 4506.05, 4506.07, 4506.13, 4506.14, 4507.05, 4507.061, 4507.071, 4507.08, 4507.09, 4507.40, 4507.53, 4509.101, 4510.01, 4510.022, 4510.13, 4510.17, 4510.46, 4511.043, 4511.202, 4511.81, 4511.991, 4513.263, 4513.35, 4519.59, 4701.03, 4701.13, 4703.11, 4713.07, 4715.08, 4715.42, 4723.28, 4723.483, 4723.4811, 4723.653, 4723.89, 4725.07, 4729.01, 4729.06, 4729.49, 4729.52, 4729.53, 4729.54, 4729.541, 4729.56, 4729.561, 4729.59, 4729.60, 4729.80, 4729.901, 4729.902, 4729.921, 4730.433, 4730.437, 4731.07, 4731.295, 4731.298, 4731.92, 4731.96, 4732.07, 4734.04, 4735.06, 4735.09, 4740.06, 4741.03, 4743.09, 4744.12, 4749.06, 4751.20, 4751.24, 4751.25, 4755.41, 4755.61, 4757.41, 4758.01,

4758.02, 4758.03, 4758.10, 4758.11, 4758.13, 4758.20, 4758.21, 4758.22, 4758.221, 4758.23, 4758.24, 4758.26, 4758.27, 4758.28, 4758.30, 4758.31, 4758.35, 4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, 4758.51, 4758.54, 4758.55, 4758.56, 4758.57, 4758.59, 4758.60, 4758.61, 4758.62, 4758.63, 4758.64, 4758.70, 4758.80, 4758.99, 4775.07, 4775.08, 4776.01, 4776.20, 4779.21, 4785.041, 4903.10, 4905.03, 4905.10, 4911.07, 4928.01, 4928.02, 4928.06, 4928.34, 4928.43, 4928.47, 4928.51, 4928.52, 4928.53, 4928.54, 4928.542, 4928.543, 4928.544, 4928.55, 4928.56, 4928.58, 4928.61, 4928.62, 4928.63, 4928.66, 4928.67, 4928.75, 5101.101, 5101.13, 5101.131, 5101.132, 5101.133, 5101.134, 5101.135, 5101.136, 5101.137, 5101.14, 5101.141, 5101.142, 5101.145, 5101.146, 5101.1410, 5101.1411, 5101.1412, 5101.1413, 5101.1414, 5101.1415, 5101.1416, 5101.1417, 5101.1418, 5101.19, 5101.191, 5101.192, 5101.193, 5101.194, 5101.211, 5101.212, 5101.215, 5101.222, 5101.242, 5101.26, 5101.272, 5101.273, 5101.28, 5101.30, 5101.33, 5101.342, 5101.35, 5101.351, 5101.38, 5101.461, 5101.80, 5101.801, 5101.802, 5101.805, 5101.85, 5101.853, 5101.854, 5101.856, 5101.88, 5101.885, 5101.886, 5101.887, 5101.8812, 5101.89, 5101.891, 5101.892, 5101.893, 5101.894, 5101.895, 5101.897, 5101.899, 5101.99, 5103.02, 5103.021, 5103.0329, 5103.15, 5103.155, 5103.18, 5103.30, 5103.32, 5103.41, 5104.01, 5104.12, 5104.29, 5104.30, 5104.32, 5104.34, 5104.37, 5104.38, 5104.39, 5104.41, 5104.50, 5104.99, 5117.07, 5119.01, 5119.011, 5119.04, 5119.05, 5119.051, 5119.06, 5119.07, 5119.08, 5119.091, 5119.10, 5119.11, 5119.14, 5119.141, 5119.15, 5119.161, 5119.17, 5119.18, 5119.181, 5119.182, 5119.184, 5119.185, 5119.186, 5119.187, 5119.188, 5119.19, 5119.20, 5119.201, 5119.21, 5119.22, 5119.221, 5119.23, 5119.24, 5119.25, 5119.27, 5119.28, 5119.29, 5119.30, 5119.31, 5119.311, 5119.32, 5119.33, 5119.331, 5119.332, 5119.333, 5119.334, 5119.34,

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5123.16, 5123.166, 5123.168, 5123.169, 5123.19, 5123.191,
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5160.37, 5162.133, 5163.03, 5163.091, 5163.093, 5163.094,
5163.098, 5163.30, 5164.38, 5165.192, 5165.26, 5167.01, 5167.03,
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5703.059, 5703.19, 5703.21, 5703.261, 5703.262, 5703.263,
5703.37, 5703.70, 5705.14, 5709.212, 5709.93, 5725.01, 5725.23,
5726.03, 5726.20, 5726.21, 5727.08, 5727.25, 5727.26, 5727.38,
5727.42, 5727.47, 5727.48, 5727.60, 5727.82, 5727.83, 5727.89,
5728.09, 5728.10, 5729.10, 5733.022, 5735.062, 5735.12,
5735.121, 5736.05, 5736.09, 5739.027, 5739.032, 5739.07,
5739.102, 5739.12, 5739.122, 5739.124, 5739.13, 5739.133,
5739.31, 5739.99, 5741.121, 5741.122, 5743.01, 5743.02,
5743.025, 5743.05, 5743.051, 5743.081, 5743.082, 5743.32,
5743.51, 5743.52, 5743.56, 5743.62, 5743.63, 5743.99, 5745.03,
5745.04, 5745.041, 5745.08, 5745.09, 5745.12, 5747.01, 5747.021,
5747.05, 5747.062, 5747.063, 5747.064, 5747.07, 5747.071,
5747.072, 5747.08, 5747.082, 5747.09, 5747.10, 5747.13, 5747.15,
5747.40, 5747.42, 5747.43, 5747.44, 5747.98, 5748.01, 5748.02,

5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 5748.09, 5749.02, 5749.06, 5749.07, 5749.15, 5751.02, 5751.06, 5751.07, 5751.09, 5751.53, 5751.98, 5753.021, 5753.031, 5753.05, 5753.07, 5907.11, 5907.17, 6111.01, 6111.02, 6111.022, 6111.023, 6111.024, 6111.025, 6111.027, and 6111.04 be amended; sections 122.66 (5101.311), 122.67 (5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 (5101.315), 122.70 (5101.316), 122.701 (5101.317), 122.702 (5101.318), 943.20 (944.03), 943.21 (944.04), 943.22 (944.05), 943.23 (944.06), 943.24 (944.07), 943.25 (944.08), 3701.65 (5180.72), 3738.01 (5180.27), 3738.02 (5180.271), 3738.03 (5180.272), 3738.04 (5180.273), 3738.05 (5180.274), 3738.06 (5180.275), 3738.07 (5180.276), 3738.08 (5180.277), 3738.09 (5180.278), 5101.13 (5180.40), 5101.131 (5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 (5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 (5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 (5180.421), 5101.144 (5180.411), 5101.145 (5180.422), 5101.146 (5180.423), 5101.147 (5180.424), 5101.148 (5180.425), 5101.149 (5180.426), 5101.1410 (5180.427), 5101.1411 (5180.428), 5101.1412 (5180.429), 5101.1413 (5180.4210), 5101.1414 (5180.4211), 5101.1415 (5180.4212), 5101.1416 (5180.4213), 5101.1417 (5180.4214), 5101.1418 (5180.43), 5101.15 (5180.44), 5101.19 (5180.45), 5101.191 (5180.451), 5101.192 (5180.452), 5101.193 (5180.453), 5101.194 (5180.454), 5101.34 (5180.70), 5101.341 (5180.701), 5101.342 (5180.702), 5101.343 (5180.703), 5101.76 (5180.26), 5101.77 (5180.261), 5101.78 (5180.262), 5101.802 (5180.52), 5101.804 (5180.71), 5101.805 (5180.704), 5101.85 (5180.50), 5101.851 (5180.51), 5101.853 (5180.511), 5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56),

5104.50 (5180.04), and 5180.40 (5180.73) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 3312.02, 3313.902, 3314.38, 3321.191, 3333.0415, 3345.86, and 3780.22 and sections 109.872, 122.97, 123.282, 126.10, 126.67, 126.70, 149.312, 153.695, 166.36, 166.37, 166.38, 169.061, 169.081, 943.27, 944.01, 944.02, 1501.47, 1513.371, 1546.25, 1546.26, 1713.032, 1713.033, 1713.041, 3301.24, 3301.82, 3313.6031, 3313.6032, 3313.8110, 3314.0311, 3314.0312, 3314.362, 3317.165, 3317.27, 3317.28, 3317.29, 3317.31, 3319.173, 3319.2310, 3319.271, 3326.092, 3326.093, 3333.0420, 3333.074, 3333.96, 3345.601, 3345.721, 3345.79, 3345.83, 3701.842, 3701.843, 3701.844, 3706.042, 3721.073, 3721.074, 3722.031, 3734.283, 3770.074, 3770.075, 3793.01, 3793.02, 3793.03, 3793.04, 3793.05, 3793.06, 3793.20, 3793.21, 3793.22, 3793.23, 3793.24, 3793.25, 3793.30, 3793.40, 3793.41, 3793.42, 3793.43, 3793.44, 3793.45, 3793.46, 3793.47, 3793.90, 3901.3815, 4113.31, 4141.011, 4141.44, 4503.511, 4507.41, 4508.023, 4729.261, 4758.49, 4758.491, 4758.65, 4758.651, 4798.08, 4798.10, 4928.545, 5101.612, 5103.039, 5103.09, 5104.302, 5104.53, 5104.60, 5119.211, 5119.344, 5123.1613, 5123.423, 5123.68, 5123.681, 5123.682, 5123.683, 5123.684, 5123.685, 5123.686, 5162.25, 5180.99, 5703.901, 5747.051, 5747.073, and 5747.761 of the Revised Code be enacted to read as follows:

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

(1) "Public building" means a building owned by a public entity.

(2) "Public entity" means a subdivision, the general assembly, a court, any department, division, institution, board, commission, authority, bureau or other agency ~~of~~ or

instrumentality of the state, the five state retirement systems, or any other governmental entity.

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

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

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

(D) No public entity and no employee or agent of a public entity acting in the employee's or agent's official capacity shall seek, solicit, charge, or accept a fee, payment, or other consideration in exchange for allocating a deduction allowed under section 179D of the Internal Revenue Code or providing documentation of such an allocation as required under that section and any associated rules or guidance of the internal

revenue service or the United States department of the treasury.

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

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

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

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

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

(4) A provision that requires the state to agree to limit the liability for any direct loss to the state for bodily injury, death, or damage to property of the state caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the state.

(5) A provision that requires the state to be bound by a

term or condition that is unknown to the state at the time of signing a contract, that is not specifically negotiated with the state, that may be unilaterally changed by the other party, or that is electronically accepted by a state employee.

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

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

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

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

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

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

(D) A contract that contains a term or condition described in division (B) of this section shall be governed by and

construed in accordance with Ohio law notwithstanding any term or condition to the contrary in the contract.

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

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

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

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

(3) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision. "State agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) Except as provided in division (C) of this section, materials ~~submitted to a public office in response~~ relating to a

~~competitive~~ solicitation through competitive selection shall not be considered public records ~~for purposes of~~ under section 149.43 of the Revised Code until ~~the date the public office announces~~ after the award of ~~a~~ the contract based on the competitive ~~solicitation or the cancellation of the competitive solicitation~~selection.

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

Sec. 9.312. (A) If a state agency or political subdivision is required by law or by an ordinance or resolution adopted under division (C) of this section to award a contract to the lowest responsive and responsible bidder, a bidder on the contract shall be considered responsive if the bidder's proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. The factors that the state agency or political subdivision shall consider in determining whether a bidder on the contract is responsible include the experience of the bidder, the bidder's financial condition,

conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly.

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

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

(B) Where a state agency or a political subdivision that has adopted an ordinance or resolution under division (C) of this section determines to award a contract to a bidder other than the apparent low bidder or bidders for the construction,

reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement, it shall meet with the apparent low bidder or bidders upon a filing of a timely written protest. The protest must be received within five days of the notification required in division (A) of this section. No final award shall be made until the state agency or political subdivision either affirms or reverses its earlier determination. Notwithstanding any other provisions of the Revised Code, the procedure described in this division is not subject to Chapter 119. of the Revised Code.

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

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

Sec. 9.331. (A) Before entering into a contract to employ a construction manager or construction manager at risk, a public authority ~~shall~~ may advertise~~,~~ in ~~a newspaper of general circulation~~ news media available in the county where the contract is to be performed, and ~~may~~ shall advertise by electronic means ~~pursuant to rules adopted by the director of administrative services~~, notice of its intent to employ a construction manager or construction manager at risk. The notice

shall invite interested parties to submit proposals for consideration and shall be published at least ~~thirty~~ fourteen calendar days prior to the date for accepting the proposals. The public authority also may advertise the information contained in the notice in appropriate trade journals and otherwise notify persons believed to be interested in employment as a construction manager or construction manager at risk.

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

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

(2) For projects valued at less than four million dollars, the public authority may require the construction manager at risk to submit a proposal described in division (A)(1) of this section along with a pricing proposal described in division (C) of this section, and proceed under division (B)(2) of this section before proceeding with selection and ranking as described in division (A)(1) of this section. The Ohio facilities construction commission shall biannually adjust for the rate of inflation, as defined in section 107.032 of the Revised Code and as of the effective date of this amendment, the

maximum project value amount indicated in this division and post that amount on the commission's web site.

~~(B)~~ (B)(1) The public authority shall provide each construction manager at risk selected under division ~~(A)~~ (A)(1) of this section with a description of the project, including a statement of available design detail, a description of how the guaranteed maximum price for the project shall be determined, including the estimated level of design detail upon which the guaranteed maximum price shall be based, the form of the construction management contract, and a request for a pricing proposal.

(2) The public authority shall provide each construction manager at risk who desires to submit a proposal under division (A)(2) of this section a pre-proposal meeting to explore the proposals further, in which the public authority shall provide the construction manager at risk with a description of the project, including the scope and nature of the proposed services and potential technical approaches.

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

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

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

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

(D) The public authority shall evaluate the submitted pricing proposals and may hold discussions with individual

construction managers at risk to explore their proposals further, including the scope and nature of the proposed services and potential technical approaches.

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

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

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

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

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the construction manager at risk for the project and that shall include the costs of all the work, the

cost of its general conditions, the contingency, and the fee payable to the construction manager at risk.

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

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

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

(H) If the public authority and construction manager at risk fail to agree on a guaranteed maximum price, nothing in this section shall prohibit the public authority from allowing the construction manager at risk to provide the management services that a construction manager is authorized to provide.

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

Sec. 9.47. (A) Any person desiring to bid on a contract awarded pursuant to Chapter 153. of the Revised Code by an owner referred to in section 153.01 of the Revised Code or awarded by the director of transportation pursuant to Chapter 5525. of the Revised Code may make application for a certificate of compliance with affirmative action programs. Application shall be made to the department of development. The director of development's designee shall promptly determine whether the person has complied with all federal affirmative action programs to which the person was subject and any state affirmative action program to which the person was subject pursuant to section 153.59 of the Revised Code which state or federal affirmative action program arose out of a contract the person had with the federal government, the state, or a political subdivision of the state. Where the director's designee determines the person has not committed any violation of such prior affirmative action programs during the five years immediately preceding the date of determination, the director's designee shall issue a dated certificate of compliance with affirmative action programs. The director's designee may issue an updated certificate to a person upon request but not more frequently than once every ~~one hundred eighty days~~two years. A person who violates an affirmative action program during the five years preceding the date of determination is ineligible to bid on a contract awarded pursuant to Chapter 153. of the Revised Code by an owner referred to in section 153.01 of the Revised Code or awarded by the director of transportation pursuant to Chapter 5525. of the Revised Code for a period of three years after the date of

determination.

(B) Any person denied a certificate or an updated certificate may appeal to the director of development for a review of that determination. The appeal must be filed within ten days of the date of the determination. The director shall, within five days after receipt of the appeal, either affirm or reverse the determination.

(C) Any person dissatisfied with the decision of the director on review may, within thirty days, appeal the decision of the director to the court of common pleas of Franklin county. The court may affirm or reverse the decision of the director. At the hearing before the court, evidence may be introduced for and against the decision of the director. The decision of the court may be appealed as in other cases.

(D) The director of development, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules to implement this section.

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

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

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

(1) Provide all insurance coverages for the state, including, but not limited to, vehicle liability, casualty,

property, public liability, and fidelity bonding. The cost of insurance coverage shall be paid from appropriations made to the state agencies that the office has designated to receive the coverage.

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

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

(4) Consolidate and combine state insurance coverages;

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

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

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

(E) With respect to any civil action, demand, or claim against the state that could be filed in the court of claims, nothing in sections 9.82 to 9.823 of the Revised Code shall be interpreted to permit the settlement or compromise of those

civil actions, demands, or claims, except in the manner provided in Chapter 2743. of the Revised Code.

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

(G) The office of the attorney general or counsel appointed by the office of the attorney general, including any legal representatives thereof, shall provide and share communications and documents that are made for the purpose of seeking or providing legal advice or counsel in connection with actual or potential litigation, liability claims, contract disputes, risk management issues, and other matters involving the programs of the office of risk management with the office. All such communications and documents shared between the office, a state agency, and the office of the attorney general or counsel appointed by the office of the attorney general, including any legal representatives thereof, are privileged and confidential.

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

department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of

an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education and workforce pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; ~~all entrepreneurs in residence assigned by the LeanOhio office in the department of administrative services under section 125.65 of the Revised Code~~ and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

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

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

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income,

other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(ii) If the person filing the statement is a member of the

general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b)(ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b)(ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or

other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose in the brief description of the nature of services required by division (A)(2)(b)(i) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(2)(c) of this section does not require disclosure of the

name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

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

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

(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(2)(c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(2)(f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the

Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

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

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

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

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

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

(4) A person who is required to file a statement under this section shall file that statement according to the

following deadlines, as applicable:

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

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

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

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

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

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

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

(B) The Ohio ethics commission, the joint legislative

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

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

Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

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

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

(E)(1) Except as provided in divisions (E)(2) and (3) of

this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

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

	1	2
A	For state office, except member of the state board of education	$95
B	For office of member of general assembly	$40
C	For county office	$60
D	For city office	$35
E	For office of member of the state board of education	$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	$30
G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	$30

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under

division (E)(1) or (2) or (F) of this section.

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

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

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

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

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

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

Sec. 107.71. The office of innovateohio is hereby established within the office of the governor. The governor shall appoint a director of the office who shall receive an annual salary equal to the maximum compensation specified in pay range 48 of salary schedule E-2 ~~in~~ created by the director of administrative services under division ~~(B)(1)~~ (B) of section 124.152 of the Revised Code. The governor shall appoint necessary professional, technical, and clerical personnel. The employees serve at the pleasure of the governor. The governor shall set the duties of the office.

Sec. 109.872. (A) As used in this section:

(1) "Sworn employee" means any of the following:

(a) An enforcement agent of the Ohio investigative unit appointed pursuant to section 5502.14 of the Revised Code.

(b) The superintendent and troopers of the state highway patrol appointed pursuant to section 5503.01 of the Revised Code.

(c) Special police officers of the state highway patrol appointed pursuant to section 5503.09 of the Revised Code.

(d) Other employees of any department, agency, or board of this state who are under the executive branch and ultimately report to the governor and are authorized to investigate, execute the laws of the state, protect public safety, or enforce the laws of this state as part of their job duties.

(2) "Physical harm to persons" and "serious physical harm to persons" have the same meanings as in section 2901.01 of the Revised Code.

(B) A sworn employee may be represented by an attorney selected pursuant to division (C) of this section when all of the following apply:

(1) The sworn employee was involved in a use of force that resulted in death, serious physical harm to persons, or physical harm to persons.

(2) The sworn employee's involvement in the use of force occurred within the scope and in the course of the sworn employee's assigned duties.

(3) The sworn employee's involvement in the use of force is being investigated by a prosecuting attorney, the bureau of criminal identification and investigation, or another criminal investigating authority for possible criminal charges.

(C) When all of the conditions set forth in division (B) of this section apply, the sworn employee may submit a request in writing for legal representation to the director of the sworn employee's appointing authority and to the governor or the governor's designee. If the governor or the governor's designee determines that all of the conditions in that division apply, and if the governor or the governor's designee considers the requested legal representation to be appropriate, the governor or the governor's designee, in the governor's or the governor's designee's sole discretion, may approve the request. If the governor or the governor's designee approves the request, the governor or the governor's designee shall furnish the sworn employee the names of three attorneys who are admitted to the practice of law in this state and are experienced in the defense of criminal charges. The sworn employee may select one of the attorneys to represent the sworn employee until the grand jury concludes its proceedings, a criminal complaint is filed, or the case is disposed of before the grand jury concludes its proceedings or a criminal complaint is filed.

(D) An attorney who represents a sworn employee pursuant to division (C) of this section shall be paid at the usual rate for like services in the community in which the criminal proceedings occur or at the usual rate paid to special counsel under section 109.07 of the Revised Code. The appointing authority shall pay the attorney's compensation and all reasonable expenses and court costs incurred in the defense of the sworn employee.

(E) If a criminal investigation described in division (B)(3) of this section of a sworn employee results in an indictment or the filing of a criminal complaint based on the sworn employee's involvement in the use of force, an attorney who

represents the sworn employee pursuant to division (C) of this section may continue to represent the sworn employee in the criminal proceeding on any terms to which the attorney and sworn employee mutually agree. Neither the governor or the governor's designee nor the appointing authority is obligated to provide the sworn employee with legal representation or to pay attorney's fees, expenses, or court costs incurred by the sworn employee following the indictment or criminal complaint charging the sworn employee with an offense, but the governor or the governor's designee, in the governor's or the governor's designee's sole discretion, may approve a request to pay attorney's fees, expenses, or court costs incurred by the sworn employee following the indictment or criminal complaint.

(F) If a sworn employee is represented by an attorney as described in division (C) of this section and if the sworn employee is subsequently convicted of or pleads guilty to a criminal offense based on the sworn employee's involvement in the use of force, the governor or the governor's designee or the appointing authority may direct the attorney general to seek to recover, including by means of a civil action, from the sworn employee the costs of legal representation paid by the appointing authority pursuant to division (C) of this section.

(G) A decision of the governor or the governor's designee made under division (C) or (E) of this section is not subject to appeal or review in any court or other forum. No person has a right of action against the appointing authority, the governor, or the governor's designee in the court of claims or any other court based on a decision of the governor or the governor's designee made under this section.

(H) The indemnification of a sworn employee pursuant to

this section shall be accomplished only through the following procedure:

(1) If the governor or the governor's designee determines that the actions or omissions of the employee that gave rise to the claim were within the scope of the employee's employment and that the costs of legal representation should be indemnified, the sworn officer's appointing authority shall prepare an indemnity agreement. The indemnity agreement shall specify that the appointing authority will indemnify the employee for the expenses of legal representation. The agreement is not effective until it is approved by the employee, the director or appointing authority, and the governor or the governor's designee.

(2) The appointing authority shall forward a copy of the indemnity agreement to the director of budget and management.

(3) The director of budget and management shall direct the appointing authority to pay the indemnification pursuant to this section against available unencumbered money in the appropriations of the appointing authority. The director of budget and management has sole discretion to determine whether unencumbered money in a particular appropriation is available for payment of the indemnification.

(4) If sufficient money does not exist to pay the indemnification, the appointing authority shall request the general assembly to make an appropriation sufficient to pay the indemnification, and no payment shall be made until the appropriation is made. The appointing authority shall make the appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of the Revised Code:

(1) "Account," "appropriation," "disbursement," "electronic funds transfer," "fund," and "warrant" have the same meanings as in section 131.01 of the Revised Code.

(2) "Assets" has the same meaning as in section 131.01 of the Revised Code, but does not include items held in safekeeping by the treasurer of state including, but not limited to, collateral pledged to a state agency.

(3) "Custodial funds" do not include items held in safekeeping by the treasurer of state including, but not limited to, collateral pledged to a state agency.

(B) The state treasury consists of the moneys, claims, bonds, notes, other obligations, stocks, and other securities, receipts or other evidences of ownership, and other intangible assets of the state that are required by law to be deposited in the state treasury or are otherwise a part of the state treasury. All assets of the state treasury shall be kept in the rooms assigned the treasurer of state, with the vaults, safes, and other appliances therein; provided, that:

(1) Securities required by law to be deposited or kept in the state treasury may be deposited for safekeeping with the federal reserve bank of Cleveland, Ohio or secured and insured depositories in or out of this state as designated by the treasurer of state.

(2) Public moneys may be kept in constituted state depositories.

(C) The custodial funds of the treasurer of state consist of the moneys, claims, bonds, notes, other obligations, stocks,

and other securities, receipts or other evidences of ownership, and other intangible assets that are required by law to be kept in the custody of the treasurer of state but are not part of the state treasury. All assets of the custodial funds of the treasurer of state shall be kept in either or both of the following:

(1) The rooms assigned the treasurer of state, with the vaults, safes, and other appliances therein;

(2) The federal reserve bank of Cleveland, Ohio or secured and insured depositories in or out of this state as designated by the treasurer of state.

(D) Assets of the state treasury shall not be commingled with assets of the custodial funds of the treasurer of state.

~~The repositing and deposit of payments pursuant to section 113.06 of the Revised Code is in compliance with this section.~~

Sec. 113.13. The treasurer of state shall have available and, as requested, transmit to the director of budget and management and to the governor information concerning the amount in the ~~inactive account, the amount in the~~ active account~~,~~ and the amount of cash on hand.

Sec. 113.40. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, ~~charge~~ banking card, prepaid or stored value card, or ~~automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications, or~~ any other device or method for making an electronic payment or transfer of funds denominated in United States dollars.

(2) "Processor" means an entity conducting the settlement of an electronic payment or transfer of funds, which shall be denominated in United States dollars.

(3) "State expenses" includes fees, costs, taxes, assessments, fines, penalties, payments, or any other expense a person owes to a state office under the authority of a state elected official or to a state entity.

~~(3)~~(4) "State elected official" means the governor, lieutenant governor, attorney general, secretary of state, treasurer of state, and auditor of state.

~~(4)~~(5) "State entity" includes any state department, agency, board, ~~or~~ commission, or office under the authority of a state elected official that deposits funds into the state treasury or into an account in the custody of the treasurer of state.

(B) Notwithstanding any other section of the Revised Code and subject to division (D) of this section, the board of deposit ~~may~~ shall adopt a resolution authorizing the acceptance of payments by financial transaction device to pay for state expenses. ~~The resolution shall include all of the following:~~

~~(1) A designation of those state elected officials and state entities authorized to accept payments by financial transaction device;~~

~~(2) A list of state expenses that may be paid by the use of a financial transaction device;~~

~~(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B)(3) of this section does not require that the same~~

~~financial transaction devices be accepted for the payment of different types of state expenses.~~

~~(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B)(4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.~~

~~(5) A specific requirement, as provided in division (G) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.~~

The board of deposit's resolution ~~also~~ shall designate the treasurer of state as the administrative agent to solicit proposals for financial transaction device services, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section~~, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices; to make recommendations about those proposals to the state elected officials;~~ and to assist state ~~offices~~ entities and state elected officials in implementing ~~the state's~~ any financial transaction device acceptance~~,~~ ~~and~~ processing, and settlement program authorized under this section. The board of deposit's resolution applies to financial transaction device services related to any and all bank accounts comprising the state treasury as well as those in the custody of the treasurer of state but not part of the state treasury.

(C) The administrative agent shall follow the procedures provided in this division whenever it plans to contract with

~~financial institutions, issuers of financial transaction devices,~~one or more processors ~~of financial transaction devices~~ for the purposes of this section. The administrative agent shall request proposals ~~from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices,~~for acceptance, processing, and settlement services as appropriate in accordance with the resolution adopted under division (B) of this section. Prior to ~~sending any financial institution, issuer, or processor a copy of any such~~ making the request for proposals available, the administrative agent shall advertise its intent to request proposals for two consecutive weeks by electronic publication on ~~a state agency~~ the administrative agent's web site made available to the general public. The notice shall state that the administrative agent intends to request proposals; specify the purpose of the request; indicate the date, which shall be at least ~~ten~~ fifteen calendar days after the initial publication, on which the request for proposals will be ~~electronically mailed to financial institutions, issuers, or processors; and require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals submit written notice of this interest to the administrative agent not later than the day on which the request for proposals will be electronically mailed~~available.

Upon receiving the proposals, the administrative agent shall review them and make a recommendation to the board of deposit regarding which proposal or proposals to accept. The board of deposit shall consider the agent's recommendation ~~and review all proposals submitted,~~ and then may choose to authorize the administrative agent, on the board's behalf, to contract with ~~any or all~~ one or more of the ~~entities~~ processors

submitting proposals, as appropriate~~.~~; whereupon the administrative agent may enter into one or more contracts to provide acceptance, processing and settlement services to the state entities and state elected officials. Through its administrative agent, ~~The~~ the board of deposit shall provide any ~~financial institution, issuer, or~~ processor that submitted a proposal, but with which the board of deposit's administrative agent does not enter into a contract, notice that its proposal is rejected.

(D) ~~The board of deposit shall send a copy of the resolution adopted under division (B) of this section to each state elected official and state entity authorized to accept payments for state expenses by financial transaction device. After receiving the resolution and before accepting such payments by financial transaction device, such a state elected official or state entity shall provide written notification to the administrative agent of the official's or entity's intent to implement the resolution within the official's or entity's office.~~ Each state ~~office~~ elected official or state entity subject to ~~the board's resolution adopted under division (B) of~~ this section shall use only the ~~financial institutions, issuers of financial transaction devices, and~~ processors of financial transaction devices with which the board of ~~deposit~~deposit's administrative agent contracts, and each such ~~office~~ state elected official or state entity is subject to the terms of those contracts.

~~If a state entity under the authority of a state elected official is directly responsible for collecting one or more state expenses and the state elected official determines not to accept payments by financial transaction device for one or more of those expenses, the office is not required to accept payments~~

~~by financial transaction device for those expenses, notwithstanding the adoption of a resolution by the board of deposit under division (B) of this section.~~

(E) The ~~board of deposit~~ state elected official or state entity may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. ~~The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed under a contract, between the financial institution, issuer, or processor and the administrative agent, governing the use and acceptance of the financial transaction device.~~

~~The establishment of a~~ Any surcharge or convenience fee shall follow the guidelines of the ~~financial institution, issuer of financial transaction devices, or~~ processor or processors of financial transaction devices with which the board of ~~deposit~~deposit's administrative agent contracts.

If a surcharge or convenience fee is imposed, every state elected official and state entity accepting payment by a financial transaction device~~, regardless of whether that entity is subject to a resolution adopted by the board of deposit, shall clearly post a notice in the entity's office, and~~ shall notify each person making a payment by such a device, about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include ~~all~~ both of the following:

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device;

(2) The total amount of the charge or fee expressed in

dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable~~;~~

~~(3) A clear statement that the surcharge or convenience fee is nonrefundable~~.

(F) If a person ~~elects to make a payment by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee is not refundable.~~

~~(G) If a person~~ makes payment by a financial transaction device and the payment is ~~returned or dishonored~~ reversed for any reason, the person is liable to the state elected official or state entity for the state expense and any reimbursable costs for collection, including banking charges, legal fees, or other expenses incurred by the state elected official or state entity in collecting the ~~returned or dishonored~~ reversed payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

~~(H)~~ (G) No person making any payment by a financial transaction device to a state ~~office~~ elected official or state entity shall be relieved from liability for the underlying obligation, except to the extent that the state elected official or state entity realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer, or by other means of payment, or by other guarantor of payment in the transaction, the underlying obligation survives and the state elected official or state entity shall retain all remedies for enforcement that would have applied if the transaction had not

occurred.

~~(I)~~ (H) A state ~~entity~~ elected official or employee of a state entity or state elected official who accepts a financial transaction device payment in accordance with this section and any applicable state or local statutes, laws, policies, or rules is immune from personal liability for the final collection of such payments as specified in section 9.87 of the Revised Code.

~~(J)~~ (I) If the board of deposit determines that it is necessary and in the state's best interest to contract with an additional ~~entity~~ processor subsequent to the contract award made under division (C) of this section, the board may meet and choose to contract with one or more additional ~~entities~~ processors for the remainder of the period previously established by a contract award made under division (C) of this section.

~~(K)~~ (J) The administrative agent, in cooperation with the office of budget and management, may adopt, amend, and rescind rules in accordance with section 111.15 of the Revised Code to implement and administer this section.

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

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

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

(3) Seek rulings and other guidance from the secretary and

the internal revenue service relating to the program;

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

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

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

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

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

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

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

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

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

(B) The treasurer of state may enter into agreements with other states or agencies of, subdivisions of, or residents of

those states related to the program or a similar ABLE account program established by another state in accordance with section 529A of the Internal Revenue Code.

(C) Any record of the treasurer of state indicating the identity of account beneficiaries and the balances and activity in ABLE accounts is not a public record under section 149.43 of the Revised Code.

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

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

(C) Regarding a written report and recommendation issued after an adjudication hearing concerning an order of the registrar, a party may submit written objections to the report and recommendation within fifteen days of the report's mailing date to the party, notwithstanding section 119.09 of the Revised Code.

(D) Notwithstanding section 119.12 of the Revised Code,

notice of an appeal of an order of the registrar shall be filed within fifteen days of the order's mailing date to the party.

Sec. 120.06. (A)(1) The state public defender, when designated by the court or requested by a county public defender or joint county public defender, may provide legal representation in all courts throughout the state to indigent adults and juveniles who are charged with the commission of an offense or act for which the penalty or any possible adjudication includes the potential loss of liberty.

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

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

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

~~(5) The~~ (5)(a) Except as provided in division (A)(5)(b) of this section, the state public defender, when designated by the court or requested by a county public defender, joint county public defender, or the director of rehabilitation and correction, shall provide legal representation in parole and probation revocation matters or matters relating to the

revocation of community control or post-release control under a community control sanction or post-release control sanction, unless the state public defender finds that the alleged parole or probation violator or alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator's own counsel.

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

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

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

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

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

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

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

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

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

(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel to represent the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, and attorneys described in division (C) of section 120.41 of the Revised Code in a malpractice or other civil action or

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

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

(i) The private legal counsel shall file with the attorney general a copy of the contract; a request for an award of legal fees, court costs, and expenses earned or incurred in connection with the defense of the Ohio public defender commission, the

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

(ii) Upon receipt of a request for an award of legal fees, court costs, and expenses and the requisite supportive documentation described in division (E)(2)(a)(i) of this section, the attorney general shall review the request and documentation; determine whether any of the limitations specified in division (E)(2)(b) of this section apply to the request; and, if an award of legal fees, court costs, or

expenses is permissible after applying the limitations, prepare a document awarding legal fees, court costs, or expenses to the private legal counsel. The document shall name the private legal counsel as the recipient of the award; specify the total amount of the award as determined by the attorney general; itemize the portions of the award that represent legal fees, court costs, and expenses; specify any limitation applied pursuant to division (E)(2)(b) of this section to reduce the amount of the award sought by the private legal counsel; state that the award is payable from the state treasury pursuant to division (E)(2)(a)(iii) of this section; and be approved by the inclusion of the signatures of the attorney general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account

requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall make the request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

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

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

(ii) The private legal counsel shall not be awarded legal

fees, court costs, or expenses to the extent the fees, costs, or expenses are covered by a policy of malpractice or other insurance.

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

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

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

notification or, if the private legal counsel refused to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, no later than two years after the refusal. Any judgment of the court of claims in favor of the private legal counsel shall be paid from the state treasury in accordance with division (E)(2)(a) of this section.

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

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

confinement at the facility where the child is confined with a motion for appointment of counsel and other applicable pleadings necessary for sufficient pro se representation.

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

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

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

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

(J) As used in this section:

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

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

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

Sec. 120.08. There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4511.19 of the Revised Code and pursuant to sections 2937.22, 2949.091, and 2949.094 of the Revised Code out of the additional court costs imposed under those sections. The state public defender shall use at least eighty-three per cent of the money in the fund for the purposes of reimbursing county governments for expenses incurred pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code ~~and~~ , operating its system pursuant to division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code, and directly paying private legal counsel's fees and expenses incurred pursuant to division (D)(5) of section 120.06 of the Revised Code. Disbursements from the fund to county governments shall be made at least once per year and shall be allocated proportionately so that each county receives an equal percentage of its cost for operating its county public defender system, its joint county public defender system, its county appointed counsel system, or its system operated under division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code. The state public defender may use not more than seventeen per cent of the money in the fund for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of this chapter.

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of job and family services, which shall be administered by the director of job and family services;

(I) The department of children and youth, which shall be administered by the director of children and youth;

(J) The department of public safety, which shall be administered by the director of public safety;

(K) The department of ~~mental~~ behavioral health ~~and addiction services~~, which shall be administered by the director of ~~mental~~ behavioral health ~~and addiction services~~;

(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;

(M) The department of insurance, which shall be

administered by the superintendent of insurance as director thereof;

(N) The department of development, which shall be administered by the director of development;

(O) The department of youth services, which shall be administered by the director of youth services;

(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;

(Q) The environmental protection agency, which shall be administered by the director of environmental protection;

(R) The department of aging, which shall be administered by the director of aging;

(S) The department of veterans services, which shall be administered by the director of veterans services;

(T) The department of medicaid, which shall be administered by the medicaid director;

(U) The department of education and workforce, which shall be administered by the director of education and workforce.

The director of each department shall exercise the powers and perform the duties vested by law in such department.

Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.

(A) The director of budget and management;

(B) The director of commerce;

(C) The director of transportation;

(D) The director of agriculture;

(E) The director of job and family services;

(F) The director of children and youth;

(G) The director of public safety;

(H) The superintendent of insurance;

(I) The director of development;

(J) The tax commissioner;

(K) The director of administrative services;

(L) The director of natural resources;

(M) The director of ~~mental~~ behavioral health ~~and addiction services~~;

(N) The director of developmental disabilities;

(O) The director of health;

(P) The director of youth services;

(Q) The director of rehabilitation and correction;

(R) The director of environmental protection;

(S) The director of aging;

(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;

(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised

Code;

(V) The chancellor of higher education;

(W) The medicaid director;

(X) The director of education and workforce.

Sec. 121.084. (A) ~~All~~ The industrial compliance operating fund is created in the state treasury. All of the following shall be paid into the state treasury to the credit of the fund:

(1) All moneys collected under sections 3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 4169.03, and 5104.051 of the Revised Code~~, and any~~ ;

(2) All fines collected under division (D) of section 4111.99 of the Revised Code;

(3) Any other moneys collected by the division of industrial compliance ~~shall be paid into the state treasury to the credit of the industrial compliance operating fund, which is hereby created~~.

(B) The department of commerce shall use the moneys in the fund for paying the operating expenses of the division and the administrative assessment described in division ~~(B)~~(C) of this section.

~~(B)~~(C) The director of commerce shall prescribe procedures for assessing the industrial compliance operating fund a proportionate share of the administrative costs of the department of commerce. The assessment shall be made in accordance with those procedures and be paid from the industrial compliance operating fund to the division of administration fund created in section 121.08 of the Revised Code.

Sec. 121.085. The financial literacy education fund is hereby created in the state treasury. The fund shall consist of funds transferred to it from the consumer finance fund pursuant to section 1321.21 of the Revised Code. The fund shall be used to support various adult financial literacy education programs developed or implemented by the director of commerce. The fund shall be administered by the director of commerce who shall adopt rules for the distribution of fund moneys. ~~The director of commerce shall adopt a rule to require that at least one-half of the financial literacy education programs developed or implemented pursuant to this section, and offered to the public, be presented by or available at public community colleges or state institutions throughout the state. The director of commerce shall deliver to the president of the senate, the speaker of the house of representatives, the minority leader of the senate, the minority leader of the house of representatives, and the governor an annual report that includes an outline of each adult financial literacy education program developed or implemented, the number of individuals who were educated by each program, and an accounting for all funds distributed.~~

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

(B) As used in this section:

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

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission,

committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

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

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

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

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

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

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

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

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

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

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the

director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when determining whether to do either of the following:

(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or

(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.

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

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

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

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

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.11 of the Revised Code;

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

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

(16) Meetings of the pregnancy-associated mortality review board established under section ~~3738.01~~ 5180.27 of the Revised Code;

(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;

(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;

(19) Meetings of a suicide fatality review committee

described in section 307.641 of the Revised Code;

(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;

(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;

(22) Any nonprofit agency that has received an endorsement under section ~~122.69~~ 5101.315 of the Revised Code.

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

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

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

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

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

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

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

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

submit offers.

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

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

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

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

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

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

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

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

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

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

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

(H) A resolution, rule, or formal action of any kind is

invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or

threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

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

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

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

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

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

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

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

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

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

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

Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:

(1) The department of aging;

(2) The department of development;

(3) The department of developmental disabilities;

(4) The department of education and workforce;

(5) The department of health;

(6) The department of job and family services;

(7) The department of medicaid;

(8) The department of ~~mental~~ behavioral health ~~and addiction services~~;

(9) The opportunities for Ohioans with disabilities agency;

(10) The department of children and youth.

(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.

Sec. 121.36. (A) As used in this section, "home care dependent adult" means an individual who resides in a private home or other noninstitutional and unlicensed living arrangement, without the presence of a parent or guardian, but has health and safety needs that require the provision of regularly scheduled home care services to remain in the home or other living arrangement because one of the following is the case:

(1) The individual is at least twenty-one years of age but

less than sixty years of age and has a physical disability or mental impairment.

(2) The individual is sixty years of age or older, regardless of whether the individual has a physical disability or mental impairment.

(B) Except as provided in division (D) of this section, the departments of developmental disabilities, aging, job and family services, and health shall each implement this section with respect to all contracts entered into by the department for the provision of home care services to home care dependent adults that are paid for in whole or in part with federal, state, or local funds. Except as provided in division (D) of this section, each department shall also require all public and private entities that receive money from or through the department to comply with this section when entering into contracts for the provision of home care services to home care dependent adults that are paid for in whole or in part with federal, state, or local funds. Such entities may include county boards of developmental disabilities, area agencies on aging, county departments of job and family services, and boards of health of city and general health districts.

(C) ~~Beginning one year after September 26, 2003, each~~ Each contract subject to this section shall include terms requiring that the provider of home care services to home care dependent adults have a system in place that effectively monitors the delivery of the services by its employees. To be considered an effective monitoring system for purposes of the contract, the system established by a provider must include at least the following components:

(1) When providing home care services to home care

dependent adults who have a mental impairment or life-threatening health condition, a mechanism to verify whether the provider's employees are present at the location where the services are to be provided and at the time the services are to be provided;

(2) When providing home care services to all other home care dependent adults, a system to verify at the end of each working day whether the provider's employees have provided the services at the proper location and time;

(3) A protocol to be followed in scheduling a substitute employee when the monitoring system identifies that an employee has failed to provide home care services at the proper location and time, including standards for determining the length of time that may elapse without jeopardizing the health and safety of the home care dependent adult;

(4) Procedures for maintaining records of the information obtained through the monitoring system;

(5) Procedures for compiling annual reports of the information obtained through the monitoring system, including statistics on the rate at which home care services were provided at the proper location and time;

(6) Procedures for conducting random checks of the accuracy of the monitoring system. For purposes of conducting these checks, a random check is considered to be a check of not more than five per cent of the home care visits the provider's employees make to different home care dependent adults within a particular work shift.

(D) In implementing this section, the departments shall exempt ~~providers~~ the following from the section's requirements:

(1) Providers of home care services who are self-employed providers with no other employees or are otherwise considered by the departments not to be agency providers~~. The departments shall conduct a study on how the exempted providers may be made subject to the requirement of effectively monitoring whether home care services are being provided and have been provided at the proper location and time. Not later than two years after September 26, 2003, the departments shall prepare a report of their findings and recommendations. The report shall be submitted to the president of the senate and the speaker of the house of representatives~~;

(2) Providers who utilize an electronic visit verification system as described in section 12006 of the "21st Century Cures Act of 2016," 42 U.S.C. 1903(l).

(E) The departments of developmental disabilities, aging, job and family services, and health shall each adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis.

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

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

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

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

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

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

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

(a) At least three individuals ~~who are not employed by an agency represented on the council and~~ whose families are receiving or have received services from an agency represented on the council or another county's council. If such an individual is employed by an agency represented on the council, the individual shall complete a conflict of interest disclosure form and abstain from any vote that involves the agency that employs the individual. Where possible, the number of members representing families ~~shall~~ may be equal to twenty per cent of the council's membership.

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction

services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.

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

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

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

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

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, or a district-level administrative designee with decision-making authority, as determined by the department of education and workforce, which shall notify each board of county commissioners of its determination at least biennially;

(h) A school superintendent representing all other school districts with territory in the county, or a district-level administrative designee with decision-making authority, as designated at a biennial meeting of the superintendents of those districts;

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

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

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

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

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

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

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

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

administration of justice. Service of a judge as a judicial advisor pursuant to this section is a judicial function.

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

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

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

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

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

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

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

(a) An interagency process to establish local indicators

and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to increase child well-being.

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

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

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

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

reasonable period during which the program or approach is being evaluated for effectiveness.

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

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules, grant agreements, or interagency agreements that are applicable to the council's functions.

The administrative agent of a county council ~~shall~~ may send notice of a member's absence if a member listed in division (B)(1) of this section has been absent from either three

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

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

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

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

expenses related to council activity;

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

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

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

(iii) The board may require the executive committee to submit an annual budget to the board for approval and may amend

or repeal the resolution that delegated to the executive committee its authority as the county council's administrative agent.

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

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

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

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

if it is approved by the board.

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the early intervention program, the main provider of service coordination shall be an early intervention service coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

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

(2) A procedure ensuring that a family and all appropriate staff from involved agencies, including a representative from the appropriate school district, are notified of and invited to

participate in all family service coordination plan meetings;

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

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

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

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

(7) A procedure for assessing the needs and strengths of

any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation

involving a confrontation between the child and the parents, guardian, or custodian;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) One or more taxpayers operating a computer data center business at the project site will, in the aggregate, pay annual compensation that is subject to the withholding obligation imposed under section 5747.06 of the Revised Code of at least one million five hundred thousand dollars to employees employed at the project site for each year of the agreement beginning on or after the first day of the twenty-fifth month after the agreement was entered into under this section.

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

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

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

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

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

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

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

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

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

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

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

(E) An agreement entered into under this section shall

include all of the following:

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

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

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

(4) A requirement that, for each year of the term of the agreement beginning on or after the first day of the twenty-fifth month after the date the agreement was entered into, one or more taxpayers operating a computer data center business at the project site will, in the aggregate, pay annual compensation that is subject to the withholding obligation imposed under section 5747.06 of the Revised Code of at least one million five hundred thousand dollars to employees at the eligible computer data center.

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

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

(7) A provision providing that the taxpayers subject to the agreement may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the appropriate taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated. For purposes of this paragraph, the movement of an employment position from one

political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

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

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

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

(H) Financial statements and other information submitted to the department of development services or the tax credit authority by an applicant for or recipient of an exemption under this section, and any information taken for any purpose from

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

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

During the term of an agreement under this section each taxpayer subject to the agreement shall submit to the tax commissioner a return that shows the amount of computer data center equipment purchased for use at the eligible computer data

center, the amount of tangible personal property and taxable services other than computer data center equipment purchased for use at the eligible computer data center, the amount of tax under Chapter 5739. or 5741. of the Revised Code that would be due in the absence of the agreement under this section, the exemption percentage for computer data center equipment specified in the agreement, and the amount of tax due under Chapter 5739. or 5741. of the Revised Code as a result of the agreement under this section. Each such taxpayer shall pay the tax shown on the return to be due in the manner and at the times as may be further prescribed by the tax commissioner. Each such taxpayer shall include a copy of the director of development services' certificate of verification issued under division (E)(6) of this section. Failure to submit a copy of the certificate with the return does not invalidate the claim for exemption if the taxpayer submits a copy of the certificate to the tax commissioner within the time prescribed by section 5703.0510 of the Revised Code.

(J) If the director of development services determines that one or more taxpayers received an exemption from taxes due on the purchase of computer data center equipment purchased for use at a computer data center that no longer complies with the requirement under division (E)(3) of this section, the director shall notify the tax credit authority and, if applicable, the taxpayer that applied to enter the agreement for the exemption under division (C) of this section of the noncompliance. After receiving such a notice, and after giving each taxpayer subject to the agreement an opportunity to explain the noncompliance, the authority may terminate the agreement and require each such taxpayer to pay to the state all or a portion of the taxes that would have been owed in regards to the exempt equipment in

previous years, all as determined under rules adopted pursuant to division (K) of this section. In determining the portion of the taxes that would have been owed on the previously exempted equipment to be paid to this state by a taxpayer, the authority shall consider the effect of market conditions on the eligible computer data center, whether the taxpayer continues to maintain other operations in this state, and, with respect to agreements involving multiple taxpayers, the taxpayer's level of responsibility for the noncompliance. After making the determination, the authority shall certify to the tax commissioner the amount to be paid by each taxpayer subject to the agreement. The tax commissioner shall make an assessment for that amount against each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

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

representatives.

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

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

Sec. 122.1710. (A) As used in this section:

(1) "Low-income individual" has the same meaning as "low-income person" in section ~~122.66~~ 5101.311 of the Revised Code.

(2) "Microcredential" has the same meaning as in section 122.178 of the Revised Code.

(3) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(4) "Partially unemployed" and "totally unemployed" have

the same meanings as in section 4141.01 of the Revised Code.

(5) "Training provider" means all of the following:

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(b) An Ohio technical center as defined in section 3333.94 of the Revised Code;

(c) A private business or institution that offers training to allow an individual to earn one or more microcredentials.

(B) There is hereby created the individual microcredential assistance program to reimburse training providers for training costs for individuals to earn a microcredential. The department of development, in consultation with the governor's office of workforce transformation, shall administer the program.

(C) A training provider seeking to participate in the program shall submit an application to the director of development. The training provider shall include in the application all of the following information:

(1) The number of microcredentials the training provider will seek a reimbursement for and the names of the microcredentials;

(2) The cost of the training for each microcredential;

(3) The total amount of the reimbursement the training provider will seek;

(4) The training provider's plan to provide opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential;

(5) Any other information the director requires.

(D)(1) The director shall consider the following factors in determining whether to approve an application submitted under division (C) of this section:

(a) The duration of the training program;

(b) The cost of the training;

(c) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state;

(d) The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential.

(2) In determining regional diversity under division (D)(1)(c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code.

(3) The director shall not approve an application submitted under this section if either of the following apply:

(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code.

(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.

(4) The director shall notify a training provider in writing of the director's decision to approve or deny the

training provider's application to participate in the program.

(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:

(1) Any costs associated with the individual's participation in the training program;

(2) Any costs to the training provider resulting from an individual not completing the training program.

(F)(1) Each participating training provider seeking reimbursement for training costs for one or more microcredentials earned by one or more individuals in a training program shall submit an application to the director after the individual or individuals have earned a microcredential. The training provider shall include in the reimbursement application all of the following information:

(a) The actual cost for the training provider to provide each individual with the training;

(b) Evidence that each individual earned a microcredential;

(c) Any demographic information of each individual that the individual provides to the training provider, including race and gender.

(2) The amount of the reimbursement shall be not more than three thousand dollars for each microcredential an individual receives. A participating training provider may not receive a reimbursement for any additional individual who earns a microcredential beyond the number of microcredentials included

in the application under division (C) of this section. A participating training provider may receive a total reimbursement of five hundred thousand dollars in a fiscal year.

(3) A training provider may request that an individual participating in the training provider's program provide demographic information to the training provider, including race and gender. An individual is not required to provide that information.

(G) The director shall do both of the following regarding the operation of the program:

(1) Create an application to participate in the program and an application for reimbursement;

(2) Create and distribute a survey to each individual who successfully earned a microcredential because of a reimbursement to a training provider under this section inquiring as to the individual's occupation and wages at the time of completing the survey.

(H) The director shall include on the internet web site maintained by the department, and the governor's office of workforce transformation shall include on the office's internet web site and the OhioMeansJobs web site, all of the content created under division (G) of this section.

(I) The director may adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to implement this section, including establishing priority guidelines for approving applications under division (D) of this section.

(J) Any personal information of an individual the director receives in connection with the individual microcredential

assistance program created under this section is not a public record for purposes of section 149.43 of the Revised Code. However, the director may use the information as necessary to complete the reports required under section 122.1711 of the Revised Code.

Sec. 122.4041. (A) ~~As used in this section, "passes" means the residential addresses in close proximity to a broadband provider's broadband infrastructure network to which residents at those addresses may opt to connect.~~

~~(B)~~ The scoring system required under section 122.4040 of the Revised Code shall include the factors and scoring rubric as described in divisions ~~(C)~~(B) to ~~(J)~~(I) of this section. Applications for a grant under the Ohio residential broadband expansion grant program shall be prioritized from the highest to the lowest point score under those factors and rubric.

~~(C)~~(B) Of a possible maximum score of three hundred points, the score for eligible projects for unserved and underserved areas shall be calculated as ~~the sum of the following~~follows:

(1) The ~~point value determined by multiplying three hundred times the percentage of passes~~ application will receive one-half point for each residential address in unserved areas of the application~~;~~.

(2) ~~One half of the point value determined by multiplying three hundred times the percentage of passes~~ The application will receive one-quarter point for each residential address in underserved areas of the application.

~~(D)~~(C) Of a possible maximum score of two hundred points, the score for broadband service speed, based on a graduated

scale, shall be:

(1) Twenty-five points for broadband speeds that are one hundred megabits per second downstream or greater and twenty megabits per second or greater upstream, but less than two hundred fifty megabits per second downstream and fifty megabits upstream;

(2) Fifty points for broadband speeds that are two hundred fifty megabits per second or greater downstream and fifty megabits or greater per second upstream, but less than five hundred megabits per second downstream and one hundred megabits per second upstream;

(3) One hundred points for broadband speeds that are five hundred megabits per second or greater downstream and one hundred megabits per second or greater upstream, but less than seven hundred fifty megabits per second downstream and two hundred fifty megabits per second upstream;

(4) One hundred twenty-five points for broadband speeds that are seven hundred fifty megabits per second or greater downstream and two hundred fifty megabits per second or greater upstream, but less than one gigabit per second downstream and five hundred megabits per second upstream;

(5) One hundred fifty points for broadband speeds that are one gigabit per second or greater downstream and five hundred megabits per second or greater upstream, but less than one gigabit per second upstream;

(6) Two hundred points for broadband speeds that are one gigabit per second or greater downstream and one gigabit per second or greater upstream.

~~(E)(1)~~ (D)(1) Of a possible maximum score of one hundred

fifty points, the score for rating broadband service cost shall be the sum of divisions ~~(E)(1)(a)~~ (D)(1)(a) and (b) of this section as follows:

(a) Of a possible maximum of seventy-five points, the number of points equal to the application's grant cost percentile multiplied by seventy-five;

(b) Of a possible maximum score of seventy-five points, the number of points equal to one half of the application's percentage of eligible project funding from all sources other than the Ohio residential broadband expansion grant program.

(2)(a) For each application submission period, the broadband expansion program authority shall determine the grant cost percentile for each application submitted during that period. The authority shall determine the grant cost percentile by doing the following:

(i) Determining, for each individual application in the state, the total grant cost per eligible address in the application by calculating the quotient of the amount of program grant funds requested for the application divided by the number of eligible addresses in the application;

(ii) Ranking, from lowest to highest cost, all individual applications by total grant cost per eligible address;

(iii) Assigning each individual application a percentile based on its total grant cost per eligible address relative to all other applications' total grant cost per eligible address.

(b) Percentiles under division ~~(E)(2)(a)(iii)~~ (D)(2)(a)(iii) of this section shall be assigned so that the highest percentile is assigned to the application with the lowest total grant cost per eligible address and percentiles for all other

applications assigned based on each application's relative grant cost per eligible address.

~~(F)~~ (E) Of a possible maximum score of one hundred points, the score for providing tier two broadband service or greater to eligible addresses located in an eligible project shall be calculated as follows:

(1) Ten points for the number of eligible addresses equal to five hundred or more, but less than one thousand;

(2) Twenty points for the number of eligible addresses equal to one thousand or more, but less than one thousand five hundred;

(3) Thirty points for the number of eligible addresses equal to one thousand five hundred or more, but less than two thousand;

(4) Forty points for the number of eligible addresses equal to two thousand or more, but less than two thousand five hundred;

(5) Fifty points for the number of eligible addresses equal to two thousand five hundred or more, but less than three thousand;

(6) Sixty points for the number of eligible addresses equal to three thousand or more, but less than three thousand five hundred;

(7) Seventy points for the number of eligible addresses equal to three thousand five hundred or more, but less than four thousand;

(8) Eighty points for the number of eligible addresses equal to four thousand or more, but less than four thousand five

hundred;

(9) Ninety points for the number of eligible addresses equal to four thousand five hundred or more, but less than five thousand;

(10) One hundred points for the number of eligible addresses equal to five thousand or more.

~~(G)~~ (F) Of a possible maximum score of fifty points, the score for local support for the application shall be calculated as follows:

(1)(a) Twenty-five points if the application includes a resolution of support from the board of county commissioners in the county where the eligible project is located; or

(b) If an application's eligible project spans multiple counties, of a possible maximum score of twenty-five points for resolutions adopted by boards of county commissioners, the number of points awarded on a pro rata basis based on the percentage of eligible addresses for the eligible project in each affected county for which the board of county commissioners adopted a resolution of support.

(2)(a) Fifteen points if the application includes a letter of support from a board of township trustees, village, or municipal corporation; or

(b) If an application's eligible project spans multiple townships, villages, and municipal corporations, of a possible maximum score of fifteen points for letters from boards of township trustees, villages, or municipal corporations, the number of points awarded on a pro rata basis according to the percentage of eligible addresses for the project in each affected village, municipal corporation, and unincorporated area

of the township for which a board of township trustees, village, or municipal corporation submitted a letter of support;

(c) Ten points for letters of support from a local economic development agency or a chamber of commerce that advocates for an area of the eligible project with the majority of eligible addresses in the application.

~~(H)~~ (G) Of a possible maximum score of seventy-five points, the score for broadband provider general experience and technical and financial ability shall be based on the judgment of the broadband expansion program authority. The authority may award partial points for scores awarded under division ~~(H)~~ (G) of this section.

~~(I)~~ (H) Of a possible maximum score of seventy-five points, the score for broadband provider experience based on the number of years that the provider has been providing tier two broadband service shall be calculated as follows:

(1) Ten points for four years, but less than five years of experience;

(2) Twenty points for five years, but less than six years of experience;

(3) Thirty points for six years, but less than seven years of experience;

(4) Forty points for seven years, but less than eight years of experience;

(5) Fifty points for eight years, but less than nine years of experience;

(6) Sixty points for nine years, but less than ten years of experience;

(7) Seventy-five points for ten or more years of experience.

~~(J)(1)~~ (I)(1) Of a possible maximum score of fifty points, the score for county median income, based on the median county per capita income of the United States as determined by the most recently available data from the United States census bureau, shall be calculated as follows:

(a) Zero points for a county median income that is equal to or greater than one hundred sixty per cent of the county median income;

(b) Ten points for a county median income that is equal to or greater than one hundred forty per cent, but less than one hundred sixty per cent of the county median income;

(c) Twenty points for a county median income that is equal to or greater than one hundred twenty per cent, but less than one hundred forty per cent of the county median income;

(d) Thirty points for a county median income that is equal to or greater than one hundred per cent, but less than one hundred twenty per cent of the county median income;

(e) Forty points for a county median income that is equal to or greater than eighty per cent, but less than one hundred per cent of the county median income;

(f) Fifty points for a county median income that is less than eighty per cent of the county median income.

(2) If an application's eligible project spans multiple counties, the points awarded as specified in division ~~(J)(1)~~ (I)(1) of this section shall be based on the percentage of eligible addresses for the eligible project in each affected county.

Sec. 122.41. The director of development ~~services~~ is invested with the powers and duties provided in Chapter 122. of the Revised Code, in order to promote the welfare of the people of the state, to stabilize the economy, to provide employment, to assist in the development within the state of industrial, commercial, distribution, and research activities required for the people of the state, and for their gainful employment, or otherwise to create or preserve jobs and employment opportunities, or improve the economic welfare of the people of the state~~, and also to assist in the financing of air, water, or thermal pollution control facilities and solid waste disposal facilities by mortgage insurance as provided in section 122.451 of the Revised Code~~. It is hereby determined that the accomplishment of such purposes is essential so that the people of the state may maintain their present high standards in comparison with the people of other states and so that opportunities for employment and for favorable markets for the products of the state's natural resources, agriculture, and manufacturing shall be improved and that it is necessary for the state to establish the programs authorized pursuant to Chapter 122. of the Revised Code and invest the director of development ~~services~~ with the powers and duties provided in Chapter 122. of the Revised Code. The powers granted to the director by Chapter 165. of the Revised Code are independent of and in addition and alternate to, and are not limited or restricted by, Chapter 122. of the Revised Code.

Sec. 122.42. (A) The director of development shall do all of the following:

(1) Receive applications for assistance under sections 122.39 and 122.41 to 122.62 of the Revised Code;

(2) Make a final determination whether to approve the application for assistance;

(3) Transmit determinations to approve assistance to the controlling board together with any information the controlling board requires for the board's review and decision as to whether to approve the assistance;

(4) Issue revenue bonds of the state through the treasurer of state, as necessary, payable solely from revenues and other sources as provided in sections 122.39 and 122.41 to 122.62 of the Revised Code.

(B) The director may do all of the following:

(1) Fix the rate of interest and charges to be made upon or with respect to moneys loaned by the director and the terms upon which mortgages and lease rentals may be guaranteed and the rates of charges to be made for the loans and guarantees and to make provisions for the operation of the funds established by the director in accordance with this section and ~~sections~~ section 122.54~~, 122.55, 122.56, and 122.57~~ of the Revised Code;

(2) Loan moneys from the fund established in accordance with section 122.54 of the Revised Code pursuant to and in compliance with sections 122.39 and 122.41 to 122.62 of the Revised Code;

(3) Acquire in the name of the director any property of any kind or character in accordance with sections 122.39 and 122.41 to 122.62 of the Revised Code, by purchase, purchase at foreclosure, or exchange on such terms and in such manner as the director considers proper;

(4) Make and enter into all contracts and agreements necessary or incidental to the performance of the director's

duties and the exercise of the director's powers under sections 122.39 and 122.41 to 122.62 of the Revised Code;

(5) Maintain, protect, repair, improve, and insure any property which the director has acquired and dispose of the same by sale, exchange, or lease for the consideration and on the terms and in the manner as the director considers proper, but is not authorized to operate any such property as a business except as the lessor of the property;

(6)(a) When the cost of any contract for the maintenance, protection, repair, or improvement of any property held by the director other than compensation for personal services involves an expenditure of more than one thousand dollars, the director shall make a written contract with the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code after advertisement for not less than two consecutive weeks in a newspaper of general circulation in the county where such contract, or some substantial part of it, is to be performed, and in such other publications as the director determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications may be examined, and the time and place of receiving bids.

(b) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall contain the full name of every person interested in it and meet the requirements of section 153.54 of the Revised Code.

(c) Each bid for a contract, except as provided in division (B)(6)(b) of this section, shall contain the full name of every person interested in it and shall be accompanied by

bond or certified check on a solvent bank, in such amount as the director considers sufficient, that if the bid is accepted a contract will be entered into and the performance of the proposal secured.

(d) The director may reject any and all bids.

(e) A bond with good and sufficient surety, approved by the director, shall be required of every contractor awarded a contract except as provided in division (B)(6)(b) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon faithful performance of the contract.

(7) Employ financial consultants, appraisers, consulting engineers, superintendents, managers, construction and accounting experts, attorneys, and other employees and agents as are necessary in the director's judgment and fix their compensation;

(8) Assist qualified persons in the coordination and formation of a small business development company, having a statewide area of operation, conditional upon the company's agreeing to seek to obtain certification from the federal small business administration as a certified statewide development company and participation in the guaranteed loan program administered by the small business administration pursuant to the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the initial period of formation of the statewide small business development company, the director shall provide technical and financial expertise, legal and managerial assistance, and other services as are necessary and proper to enable the company to obtain and maintain federal certification and participation in the federal guaranteed loan program. The director may charge a

fee, in such amount and on such terms and conditions as the director determines necessary and proper, for assistance and services provided pursuant to division (B)(8) of this section.

Persons chosen by the director to receive assistance in the formation of a statewide small business development company pursuant to division (B)(8) of this section shall make a special effort to use their participation in the federal guaranteed loan program to assist small businesses which are minority business enterprises as defined in division (E) of section 122.71 of the Revised Code. The director, with the assistance of the minority business development division of the department of development, shall provide technical and financial expertise, legal and managerial assistance, and other services in such a manner to enable the development company to provide assistance to small businesses which are minority business enterprises, and shall make available to the development company information pertaining to assistance available to minority business enterprises under programs established pursuant to sections 122.71 to 122.83, 122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the Revised Code.

(9) Receive and accept grants, gifts, and contributions of money, property, labor, and other things of value to be held, used, and applied only for the purpose for which such grants, gifts, and contributions are made, from individuals, private and public corporations, from the United States or any agency of the United States, from the state or any agency of the state, and from any political subdivision of the state, and may agree to repay any contribution of money or to return any property contributed or the value of the property at such times, in such amounts, and on such terms and conditions, excluding the payment of interest, as the director determines at the time such

contribution is made, and may evidence such obligations by notes, bonds, or other written instruments;

(10) Establish with the treasurer of state the ~~funds~~ fund provided in ~~sections~~ section 122.54~~, 122.55, 122.56, and 122.57~~ of the Revised Code, in addition to such funds as the director determines are necessary or proper;

(11) Do all acts and things necessary or proper to carry out the powers expressly granted and the duties imposed in sections 122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code.

(C) All expenses and obligations incurred by the director in carrying out the director's powers and in exercising the director's duties under sections 122.39 and 122.41 to 122.62 of the Revised Code, shall be payable solely from the proceeds of revenue bonds issued pursuant to those sections, from revenues or other receipts or income of the director, from grants, gifts, and contributions, or funds established in accordance with those sections. Those sections do not authorize the director to incur indebtedness or to impose liability on the state or any political subdivision of the state.

(D) Financial statements and financial data submitted to the director by any corporation, partnership, or person in connection with a loan application, or any information taken from such statements or data for any purpose, shall not be open to public inspection.

Sec. 122.47. At the request of the director of development, the treasurer of state shall issue revenue bonds of the state for the purpose of acquiring moneys for the purposes of this chapter, which moneys shall be credited by the treasurer

of state as the director of development shall determine to and among the funds established in accordance with or pursuant to sections 122.35, 122.42, and 122.54~~, 122.55, 122.56, 122.561, and 122.57~~ of the Revised Code. ~~The principal of and interest on such~~ Such revenue bonds ~~shall be payable solely from the sinking funds established in accordance with section 122.57 of the Revised Code at the times and in the order and manner provided in the bond issuing proceedings or in any trust agreements securing such bonds, and~~ shall be secured by the revenue bond guaranty fund established in accordance with section 122.571 of the Revised Code and shall also be secured by moneys in the other funds established by the director to the extent and on the terms ~~he~~ the director specifies and by covenants of the director ~~that he will~~ to so manage the loans and leases and fix interest rates, charges, and rentals so as to assure receipt of net income and revenue sufficient to provide for the payment of the principal of and the interest on the revenue bonds.

Sec. 122.49. The proceeds of each issue of revenue bonds issued pursuant to sections 122.39 and 122.41 to 122.62 of the Revised Code shall be used for the making of loans authorized in sections 122.43 and 122.45 of the Revised Code, for the purchase and improvement of property authorized in section 122.46 of the Revised Code, ~~for insuring mortgage payments authorized in section 122.451 of the Revised Code,~~ and for the crediting into and among the funds established in accordance with sections 122.35~~,~~ and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the Revised Code, but subject to such conditions, limitations, and covenants with the purchasers and holders of the bonds as shall be provided for in the bond authorization proceedings and in the trust agreement securing the same.

Provision shall be made by the director of development

~~services~~ for the payment of the expenses of the director in operating the assistance programs authorized under this chapter in such manner and to such extent as shall be determined by the director.

Sec. 122.53. In the discretion of the treasurer of state, any bonds issued under sections 122.39 and 122.41 to 122.62 of the Revised Code, may be secured by a trust agreement between the treasurer of state and a corporate trustee, which trustee may be any trust company or bank having the powers of a trust company within or without the state.

Any such trust agreement may pledge or assign payments of principal of and interest on loans, charges, fees, and other revenue to be received by the director of development ~~services~~, all rentals received under leases made by the director, and all proceeds of the sale or other disposition of property held by the director, ~~and may provide for the holding in trust by the trustee to the extent provided for in the proceedings authorizing such bonds, of all such moneys and moneys otherwise payable into the mortgage guarantee fund created by section 122.56 of the Revised Code, and all moneys otherwise payable into the mortgage insurance fund created by section 122.561 of the Revised Code, and of moneys payable into the sinking fund or funds referred to in section 122.57 of the Revised Code,~~ but shall not convey or mortgage any of the real or personal property held by the director or any part thereof. Any such trust agreement, or any proceedings providing for the issuance of such bonds, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the director in relation to the acquisition of property, and the construction,

improvement, maintenance, repair, operation, and insurance of facilities, the making of loans and leases and the terms and provisions thereof, and the custody, safeguarding, investment, and application of all moneys, and provisions for the employment of consulting engineers or other consultants in connection with the making of loans and leases and the construction or operation of any facility. Any bank or trust company incorporated under the laws of this state which may act as trustee or as depository of the proceeds of bonds or of revenue may furnish such indemnifying bonds or may pledge such securities as are required by the treasurer of state. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. Such trust agreement may contain such other provisions as the treasurer of state deems reasonable and proper for the security of the bondholders. All expenses incurred by the treasurer of state in carrying out the provisions of any such trust agreement shall be treated as a part of the cost of the operation of the assistance programs authorized pursuant to Chapter 122. of the Revised Code. Any such trust agreement may provide the method whereby general administrative overhead expense of the director with respect to those assistance programs shall be allocated among the funds established pursuant to Chapter 122. of the Revised Code with respect to the operating expenses of the director payable out of the income of the assistance programs.

Sec. 122.571. ~~In addition to the separate sinking funds created under section 122.57 of the Revised Code, there~~ There is hereby created the revenue bond guaranty fund to consist of all money allocated by the director of development to guarantee

payment of interest on, principal of and redemption premium on, the revenue bonds issued by the director under Chapter 122. of the Revised Code, all grants, gifts, and contributions made to the director for such purpose, and all money and property provided by law for such purpose.

Sec. 122.59. In the event of a default with respect to any loan or lease, the director of development shall take such action as ~~he~~ the director deems proper in the circumstances to enforce and protect the rights of the director, and such action as may be required by the provisions of any proceedings authorizing the revenue bonds or of any trust agreement securing such bonds, which may include any appropriate action at law or in equity, enforcement or waiver of any provision of any mortgage or security agreement or lease, or reinstatement of any forfeited or cancelled right, title, or privilege. ~~Notwithstanding any such action, the director shall transfer from the mortgage guarantee fund created by section 122.56 of the Revised Code to the sinking fund or funds referred to in section 122.57 of the Revised Code amounts not greater than the amounts which would have been paid upon such loan or under such lease but for such default, at the time or times when such amounts would have been paid but for such defaults, to the extent provided in the proceedings authorizing and the trust agreements securing such bonds, to be held and applied as other moneys in the sinking fund, and shall make such other transfers and take such other action as shall be required of the director by any such bond issuance proceedings or trust agreement.~~

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

(1) "Tax credit-eligible production" means a motion

picture or broadway theatrical production certified by the director of development under division (B) of this section as qualifying the production company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or broadway theatrical production.

(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production, for postproduction activities, or for advertising and promotion of the production.

"Eligible expenditures" do not include qualified expenditures for which a production company receives a tax credit under section 122.852 of the Revised Code.

"Eligible expenditures" include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

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

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

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production

that is scheduled to be performed at a qualified production facility for more than five weeks, with an average of at least six performances per week.

(9) "Tour launch" means a live stage production for which the activities comprising the technical period are conducted at a qualified production facility before a tour of the original or adaptive version of the production begins.

(10) "Qualified production facility" means a facility located in this state that is used in the development or presentation to the public of theater productions.

(B) For the purpose of encouraging and developing strong film and theater industries in this state, the director of development may certify a motion picture or broadway theatrical production produced by a production company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A production company shall apply for certification of a motion picture or broadway theatrical production as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

(1) The name and telephone number of the production company;

(2) The name and telephone number of the company's contact person;

(3) A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a broadway theatrical production, a list of each

scheduled performance in a qualified production facility;

(4) The Ohio production office or qualified production facility address and telephone number;

(5) The total production budget;

(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or broadway theatrical production;

(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;

(8) The level of employment of cast and crew who reside in Ohio;

(9) A synopsis of the script;

(10) In the case of a motion picture, the shooting script;

(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;

(12) Documentation of financial ability to undertake and complete the motion picture or broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;

(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;

(14) Estimated amount of state and local taxes to be generated in this state from the production;

(15) Estimated economic impact of the production in this state;

(16) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture or broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the production company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

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

The credit is determined as follows:

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

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

(2) Except as provided in division (C)(4) of this section, if the director of development approves a production company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the production company to which the certificate was issued, the amount of eligible expenditures shown on the certificate, the amount of the credit, and any other information required by the rules adopted to administer this section.

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

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. The amount of tax credit allowed per fiscal year shall not exceed the sum of (a) fifty million dollars, (b) the difference between the maximum credit amount for that fiscal year under section 122.852 of the Revised Code and the amount the director of development elects to allow under this section pursuant to division (D)(1) of section 122.852 of the Revised Code, and (c) the difference between the maximum amount of credits that could have been awarded in the previous fiscal year under this section and the amount actually awarded. Out of that sum, five million dollars shall be reserved for broadway theatrical productions, and the balance may be allowed for any tax credit-eligible production. For any fiscal year in which less than five million dollars of tax credits are allowed for broadway theatrical productions, the amount of the five million dollars not allowed and added to the maximum annual amount for the following fiscal year shall be reserved for broadway theatrical productions in the following fiscal year.

(5) The director shall review and approve applications for tax credits ~~in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of~~

~~the fiscal year, and the second round of credits shall be awarded not later than the last day of the ensuing January. The amount of credits awarded in the first round of applications each fiscal year shall not exceed one-half of the maximum allowance for the fiscal year calculated under division (C)(4) of this section, two million five hundred thousand dollars of which shall be reserved for broadway theatrical productions. For each round, the director shall rank applications on the basis of the extent of positive economic impact each tax credit-eligible production is likely to have in this state and the effect on developing a permanent workforce in motion picture or theatrical production industries in the state. For the purpose of such ranking, the~~ on a rolling basis. The director shall give priority to tax-credit eligible productions that are television series or miniseries due to the long-term commitment typically associated with such productions~~. The economic impact ranking shall be based on the production company's total expenditures in this state directly associated with the tax credit-eligible production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.~~

~~The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect~~.

(D) A production company whose motion picture or broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion

expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit.

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

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any broadway theatrical production.

(G)(1) The director of development in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture or broadway theatrical production is a tax credit-eligible production; activities that constitute the production or postproduction of a

motion picture or broadway theatrical production; reporting sufficient evidence of reviewable progress; expenditures that qualify as eligible expenditures; a schedule and deadlines for applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact in this state and development of a permanent workforce in motion picture or theatrical production industries in this state; consideration of geographic distribution of credits; and implementation of the program described in division (H) of this section. The rules shall be adopted under Chapter 119. of the Revised Code.

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

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

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from production companies that

intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production;

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

Sec. 122.97. (A) The director of development may allocate the state ceiling on the aggregate amount of private activity bonds issued in this state as provided in 26 U.S.C. 146. The allocation shall be made pursuant to rules the director adopts in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Provide a formula for allocating the state ceiling, as authorized under 26 U.S.C. 146(e);

(2) Authorize procedures to administer those allocations;

(3) Impose fees on persons to which such allocations are issued;

(4) Establish any other requirements, processes, or procedures to administer the state ceiling.

(B) The development volume cap fund is created in the custody of the treasurer of state, but is not part of the state treasury. The fund shall consist of all fees paid by issuers receiving state ceiling allocations. Funds may be used to pay the department of development's costs in administering ceiling allocations. The treasurer of state shall disburse money from

the fund on order of the director of development. All interest and investment income earned by the fund shall be deposited into the fund.

Sec. 123.10. (A) As used in this section and section 123.11 of the Revised Code, "public exigency" means an injury or obstruction that occurs in any public works of the state and that materially impairs its immediate use or places in jeopardy property adjacent to it; an immediate danger of such an injury or obstruction; or an injury or obstruction, or an immediate danger of an injury or obstruction, that occurs in any public works of the state and that materially impairs its immediate use or places in jeopardy property adjacent to it.

(B) When a declaration of public exigency is issued pursuant to division (C) of this section, the Ohio facilities construction commission, or the requesting director of the state agency, state institution of higher education as defined in division (A)(1) of section 3345.12 of the Revised Code, or other state instrumentality, as determined by the executive director of the commission, shall enter into contracts with proper persons for the performance of labor, the furnishing of materials, or the construction of any structures and buildings necessary to the maintenance, control, and management of the public works of the state or any part of those public works. Any contracts awarded for the work performed pursuant to the declaration of a public exigency may be awarded without competitive bidding or selection as set forth in Chapter 153. of the Revised Code.

(C) The executive director of the Ohio facilities construction commission may issue a declaration of a public exigency on the executive director's own initiative or upon the

request of the director of any state agency, a state institution of higher education as defined in division (A)(1) of section 3345.12 of the Revised Code, or any other state instrumentality. The executive director's declaration shall identify the specific injury, obstruction, or danger that is the subject of the declaration and shall set forth a dollar limitation for the repair, removal, or prevention of that exigency under the declaration.

Before any project to repair, remove, or prevent a public exigency under the executive director's declaration may begin, the executive director shall send notice of the project, in writing, to the director of budget and management and to the members of the controlling board. That notice shall detail the project to be undertaken to address the public exigency and shall include a copy of the executive director's declaration that establishes the monetary limitations on that project.

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

(1) Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the

commission. This section does not require the independent employment of an architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

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

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

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

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

(6) Receive and accept any gifts, grants, donations, and

pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

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

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

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

(B) The following contracts awarded by competitive selection by the commission under this section are not subject to controlling board approval under section 127.16 of the Revised Code:

(1) Construction management services contracts under sections 9.33 to 9.335 of the Revised Code;

(2) Professional design services contracts under sections 153.65 to 153.691 of the Revised Code;

(3) Criteria architect or engineer services contracts under section 153.692 of the Revised Code;

(4) Design-build services contracts under section 153.693 of the Revised Code;

(5) Integrated project delivery services contracts under section 153.695 of the Revised Code.

(C) The commission shall appoint and fix the compensation

of an executive director who shall serve at the pleasure of the commission. The executive director shall supervise the operations of the commission and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.

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

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

Sec. 123.211. (A) Notwithstanding any contrary provision of section 123.21 of the Revised Code, the executive director of the Ohio facilities construction commission may authorize any of the following agencies to administer any capital facilities project, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than three million dollars:

(1) The department of mental health and addiction services;

(2) The department of developmental disabilities;

(3) The department of agriculture;

(4) The department of job and family services;

(5) The department of rehabilitation and correction;

(6) The department of youth services;

(7) The department of public safety;

(8) The department of transportation;

(9) The department of veterans services;

(10) The bureau of workers' compensation;

(11) The department of administrative services;

(12) Ohio deaf and blind education services.

(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization through the Ohio administrative knowledge system capital improvements application. ~~Upon the release of funds for the projects by the controlling board or the director of budget and management~~If approved, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the executive director of the Ohio facilities construction commission.

(C) A state agency authorized by the executive director of the Ohio facilities construction commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital

improvements application pursuant to Ohio facilities construction commission guidelines.

Sec. 123.28. As used in this section and in ~~section~~ sections 123.281 and 123.282 of the Revised Code:

(A) "Culture" means any of the following:

(1) Visual, musical, dramatic, graphic, design, and other arts, including, but not limited to, architecture, dance, literature, motion pictures, music, painting, photography, sculpture, and theater, and the provision of training or education in these arts;

(2) The presentation or making available, in museums or other indoor or outdoor facilities, of principles of science and their development, use, or application in business, industry, or commerce or of the history, heritage, development, presentation, and uses of the arts described in division (A)(1) of this section and of transportation;

(3) The preservation, presentation, or making available of features of archaeological, architectural, environmental, or historical interest or significance in a state historical facility or a local historical facility.

(B) "Cultural organization" means either of the following:

(1) A governmental agency or Ohio nonprofit corporation, including the Ohio history connection, that provides programs or activities in areas directly concerned with culture;

(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.

(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has made an

appropriation or has specifically authorized the spending of money or the making of rental payments relating to the financing of construction.

(D) "Cooperative use agreement" means a contract between the Ohio facilities construction commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility.

(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the cultural organization have executed an agreement with respect to either of those funds.

(F) "Governmental agency" means a state agency, a state institution of higher education as defined in section 3345.12 of the Revised Code, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

(G) "Local contributions" means the value of an asset provided by or on behalf of a cultural organization from sources other than the state, the value and nature of which shall be approved by the Ohio facilities construction commission, in its sole discretion. "Local contributions" may include the value of the site where a cultural project is to be constructed. All "local contributions," except a contribution attributable to such a site, shall be for the costs of construction of a cultural project or the creation or expansion of an endowment for the costs of operation of a cultural facility.

(H) "Local historical facility" means a site or facility, other than a state historical facility, of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by a cultural organization and is used for or in connection with cultural activities, including the presentation or making available of culture to the public.

(I) "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities:

(1) Relating to culture for an Ohio cultural facility, including as applicable, but not limited to, providing for displays, exhibitions, specimens, and models; booking of artists, performances, or presentations; scheduling; and hiring or contracting for directors, curators, technical and scientific staff, ushers, stage managers, and others directly related to the cultural activities in the facility; but not including general building services;

(2) Relating to sports and athletic events for an Ohio

sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.

(J) "Ohio cultural facility" means any of the following:

(1) The theaters located in the state office tower at 77 South High street in Columbus;

(2) Any cultural facility in this state that is managed directly by, or is subject to a cooperative use or management agreement with, the Ohio facilities construction commission.

(3) A state historical facility or a local historical facility.

(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

(L) "State historical facility" means a site or facility that has all of the following characteristics:

(1) It is created, supervised, operated, protected, maintained, and promoted by the Ohio history connection pursuant to the Ohio history connection's performance of public functions under sections 149.30 and 149.302 of the Revised Code.

(2) Its title must reside wholly or in part with the state, the Ohio history connection, or both the state and the Ohio history connection.

(3) It is managed directly by or is subject to a

cooperative use or management agreement with the Ohio facilities construction commission and is used for or in connection with cultural activities, including the presentation or making available of culture to the public.

(M) "Ohio sports facility" means all or a portion of a stadium, arena, tennis facility, motorsports complex, or other capital facility in this state. A primary purpose of the facility shall be to provide a site or venue for the presentation to the public of motorsports events, professional tennis tournaments, or events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state. The facility shall be, in the case of a motorsports complex, owned by the state or governmental agency, or in all other instances, owned by or located on real property owned by the state or a governmental agency, and includes all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this section and section 123.281 of the Revised Code. A facility constructed as an Ohio sports facility may be both an Ohio cultural facility and an Ohio sports facility.

(N) "Motorsports" means sporting events in which motor vehicles are driven on a clearly demarcated tracked surface.

(O) "Professional sports franchise" means a member of the national football league, women's national football conference, women's football alliance, women's football league association, national hockey league, professional women's hockey league,

major league baseball, women's professional baseball league, major league soccer, national women's soccer league, national basketball association, or the women's national basketball association, or a successor of such an entity.

(P) "Major sports facility" means an Ohio sports facility that meets all of the following criteria:

(1) A primary purpose of the sports facility is to provide a site or venue for the presentation of events of a professional sports franchise that is committed to playing a majority of the franchise's home games at the sports facility for a period of at least thirty years after completion of the construction or renovation of the sports facility.

(2) The initial total estimated construction cost to be incurred in connection with the construction of the sports facility, excluding any site acquisition cost, is greater than one billion dollars, or if the project is for renovation of an existing facility, the total estimated renovation cost is greater than one hundred million dollars.

(3) At least sixty per cent of the total project cost has been secured from sources other than state funds.

(Q) "Major sports facility mixed-use project" means the following, as applicable:

(1) A mixed-use project that does all of the following:

(a) Includes the construction of a major sports facility;

(b) Integrates some combination of retail, office, hotel, residential, recreation, structured parking, or other similar uses into one or more mixed-use developments;

(c) Has secured project funding from sources other than

state funds of at least sixty per cent of the total project cost;

(d) Is expected to generate increased state tax revenues pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code.

(2) A major sports facility mixed-use project also may include any of the following:

(a) Other projects supporting or relating to the major sports facility or the professional sports franchise constructing, renovating, or using the major sports facility, including portions of the project located on parcels of property that are noncontiguous with the primary site of the major sports facility mixed-use project, if the property is within the state, under the control of the professional sports franchise or the franchise's affiliated entities or joint venture partners, and is within a ten-mile radius of the major sports facility;

(b) Any mixed-use project adjacent or otherwise relating to practice facilities for the professional sports franchise;

(c) Conference centers, concert, or other entertainment venues and facilities;

(d) Retail, food, restaurant, and beverage facilities, whether fixed or mobile;

(e) Parks and other public open spaces or facilities;

(f) Related on-site infrastructure necessary or desirable for all such elements for the major sports facility mixed-use project.

(R) "Minor league sports facility" means an Ohio sports facility that meets all of the following requirements:

(1) The facility's primary purpose is to provide a site or venue for the presentation of events of a minor league sports franchise that is officially affiliated as a developmental league for a professional sports franchise, or is an independent team that pays players and that meets criteria to be established by the Ohio advisory committee for sports facility construction and youth sports education under section 123.282 of the Revised Code, and that is committed to playing a majority of home games at the sports facility for a period of fifteen years after completion of the construction or renovation of the sports facility.

(2) The initial total estimated construction cost to be incurred in connection with the construction of the sports facility, excluding any site acquisition cost, is greater than fifty million dollars, or if the project is for renovation of an existing facility, the total estimated renovation cost is greater than ten million dollars.

(3) At least sixty per cent of the total project cost has been secured from sources other than state funds.

(S) "Youth sports education" means programs, instruction, or facilities that are primarily designed for use by Ohio students and that seek to encourage, teach, or enable lifelong health, physical readiness, and sports knowledge, including programs in public and chartered nonpublic schools and programs administered by nonprofit organizations that encourage outdoor physical activity and education, as approved by the advisory committee. However, "youth sports education" does not include the use of funds to construct public school facilities.

Sec. 123.281. (A) The Ohio facilities construction commission shall provide for the construction of a cultural

project in conformity with Chapter 153. of the Revised Code, except for construction services provided on behalf of the state by a governmental agency or a cultural organization in accordance with divisions (B) and (C) of this section.

(B) In order for a governmental agency or a cultural organization to provide construction services on behalf of the state for a cultural project, other than a state historical facility, for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the governmental agency or cultural organization shall submit to the Ohio facilities construction commission a cooperative use agreement that includes, but is not limited to, provisions that:

(1) Specify how the proposed project will support culture;

(2) Specify that the governmental agency or cultural organization has local contributions amounting to not less than fifty per cent of the total state funding for the cultural project;

(3) Specify that the funds shall be used only for construction;

(4) Identify the facility to be constructed, renovated, remodeled, or improved;

(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready to support culture without exceeding appropriated funds;

(6) Specify that the governmental agency or cultural organization shall hold the Ohio facilities construction

commission harmless from all liability for the operation and maintenance costs of the facility;

(7) Specify that the agreement or any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code; and

(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.

(C) In order for a cultural organization to provide construction services on behalf of the state for a state historical facility for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the cultural organization shall submit to the Ohio facilities construction commission a cooperative use agreement that includes, but is not limited to, provisions that:

(1) Specify how the proposed project will support culture;

(2) Specify that the funds shall be used only for construction;

(3) Specify that not more than three per cent of the funds may be used by the cultural organization to administer the project;

(4) Identify the facility to be constructed, renovated, remodeled, or improved;

(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready to support culture without exceeding

appropriated funds;

(6) Specify that the cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility;

(7) Specify that the agreement or any actions taken under it are not subject to Chapter 123., 153., or 4115. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, and 123.281 of the Revised Code; and

(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.

(D) For an Ohio sports facility that is financed in part by obligations issued under Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in a cooperative use agreement between the Ohio facilities construction commission and the governmental agency or nonprofit corporation. The agreement and any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code.

(E) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be

spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(2) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(3) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the public at the facility.

(F) In addition to the requirements of division (E) of this section, no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility that is a motorsports complex, unless, with respect to that facility, both of the following apply:

(1) Motorsports events shall be presented at the facility pursuant to a lease entered into with the owner of the facility. The term of the lease shall be for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of state bonds as determined using the guidelines for maximum maturities as provided under divisions (B) and (C) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the executive director of the Ohio facilities construction commission and to the treasurer of state.

(2) Any motorsports organization that commits to using the facility for an established period of time shall give the political subdivision in which the facility is located not less than six months' advance notice if the organization intends to cease utilizing the facility prior to the expiration of that established period. Such a motorsports organization shall be liable to the state for any state funds used on the construction costs of the facility.

(G) In addition to the requirements of division (E) of this section, no state bond proceeds shall be spent on any Ohio sports facility that is a tennis facility, unless the owner or manager of the facility provides contractual commitments from a national or international professional tennis organization in a form acceptable to the Ohio facilities construction commission that assures that one or more sanctioned professional tennis events will be presented at the facility during each year that the bonds remain outstanding.

(H) The Ohio facilities construction commission shall administer the sports facilities construction and sports education fund created under division (A)(5) of section 5753.031 of the Revised Code.

Proceeds of the sports facilities construction and sports education fund shall support construction and renovation of major sports facilities and minor league sports facilities throughout the state for the economic benefit of the state, and to support youth sports education, in accordance with section 123.282 of the Revised Code.

Sec. 123.282. (A) The Ohio advisory committee for sports facility construction and youth sports education is created. The committee shall evaluate and approve projects to be supported by the sports facilities construction and sports education fund created under division (A)(5) of section 5753.031 of the Revised Code and administered by the Ohio facilities construction commission in accordance with this section and division (H) of section 123.281 of the Revised Code.

(B) The committee shall consist of the following members:

(1) The executive director of the Ohio facilities construction commission, who shall serve as the chair;

(2) Two members appointed by the governor;

(3) One member appointed by the speaker of the house of representatives;

(4) One member appointed by the minority leader of the house of representatives;

(5) One member appointed by the president of the senate;

(6) One member appointed by the minority leader of the

senate.

The members shall serve at the pleasure of the appointing authority. Members who are members of the public shall be paid a per diem rate of five hundred dollars a day on days in which the committee meets. All members shall receive any actual and necessary expenses.

(C) No member of the committee shall have any financial interest in, contract with, represent, advise, or be employed by any professional sports franchise or professional sports league within one year before appointment, during the time of appointment, or for two years after appointment, and shall file a disclosure statement with the Ohio ethics commission, or with the joint legislative ethics committee in the case of the members appointed by members of the general assembly, under section 102.02 of the Revised Code, before voting on any matter. A member may purchase tickets, season tickets, or engage in another generally available transaction with a professional sports franchise or professional sports league, if the purchase or transaction is at arm's length and at the same price as generally available to the public.

(D) All projects supported by the fund shall be evaluated and approved by a majority vote of the committee. The committee shall recommend policies and procedures for the administration of the fund for review and adoption by the Ohio facilities construction commission. The committee shall prioritize all of the following:

(1) The economic development of communities in this state through the support of major sports facilities, major sports facility mixed-use projects, and minor league sports facilities;

(2) The support of youth sports education to encourage lifelong health, physical readiness, and sports knowledge for students in grades kindergarten through twelve;

(3) Facilities and programs that teach or enable training in team or individual sports, including endurance sports, aquatic sports, cold weather sports, or martial arts. Facilities and programs may include publicly accessible indoor and outdoor tracks, year-round aquatic centers, ice arenas, and indoor field houses.

(E) The director of education and workforce, the director of public safety, the director of health, and the adjutant general shall advise the committee on what skills, facilities, and programs are necessary for youth sports education and shall publish, as needed, standards for youth sports education for students in grades kindergarten through twelve. For students in grades eleven and twelve, the standards shall promote physical readiness for individuals to satisfactorily complete the physical fitness requirements of the peace officer basic training program and the army combat fitness test.

(F) The committee may recommend criteria to the Ohio facilities construction commission to establish, and the commission may implement, a grant program that facilitates the ability of communities in this state to secure major sporting events to benefit the economic growth of the state using funds from the sports facilities construction and sports education fund. The committee also may recommend to the tax commissioner the creation of tax credits to support youth sports education.

Sec. 124.02. The director of administrative services and the state personnel board of review shall exercise all functions, powers, and duties that ~~formerly~~ , on or before

January 1, 1959, were by law actually devolved upon, vested in, and imposed upon the state civil service commission and the offices of commissioners and members and upon their employees, agents, and representatives.

~~Whenever in any law or rule of this state or any political subdivision, "state civil service commission," "commission," "commissioner" or "member," meaning the state civil service commission or the offices of commissioners or members of said commission, is used, such terms shall be construed as referring to the department of administrative services, the director of administrative services, the state personnel board of review, or the members of the state personnel board of review, as this chapter may require.~~

Sec. 124.07. (A) The director of administrative services shall appoint examiners, inspectors, clerks, and other assistants as necessary to carry out sections 124.01 to 124.64 of the Revised Code. ~~The director may designate persons in or out of the service of the state to serve as examiners or assistants under the director's direction. An examiner or assistant shall receive the compensation for each day actually and necessarily spent in the discharge of duties as an examiner or assistant that the director determines; provided that, if the examiner or assistant is in the service of the state or any political subdivision of the state, it shall be a part of the examiner's or assistant's official duties to render those services in connection with an examination without extra compensation.~~

(B) Each state agency shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and

maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency. ~~If a state-supported college or university or a municipal corporation chooses to use the services and facilities furnished by the department that are necessary to provide and maintain the services and standards so prescribed, the state-supported college or university or municipal corporation shall pay the cost of the services and facilities that the department furnishes to it.~~ The charges against a state agency~~, a state-supported college or university, or a municipal corporation~~ shall be computed on a reasonable cost basis in accordance with procedures prescribed by the director of budget and management. Any moneys the department receives from a state agency~~, a state-supported college or university, or a municipal corporation~~ under this division that are in excess of the amount necessary to pay the cost of furnishing the department's services and facilities during any fiscal year shall be either refunded to or credited for the ensuing fiscal year to the state agency~~, the state-supported college or university, or the municipal corporation~~.

(C) ~~The director of administrative services may enter into an agreement with any county, municipal corporation, or other political subdivision to furnish services and facilities of the department in the administration of a merit program or other functions related to human resources that include, but are not limited to, providing competitive examinations for positions in the classified service. The agreement shall provide that the department shall be reimbursed for the reasonable costs of those services and facilities as determined by the director.~~

~~(D)~~ All moneys received by the department as reimbursement

for a merit program or other human resources services performed and facilities furnished under this section, such as competitive examinations administered, shall be paid into the state treasury to the credit of the human resources services fund, which is hereby created.

~~(E) In counties of the state in which are located cities having municipal civil service commissions, the director of administrative services may designate the municipal civil service commission of the largest city within the county as the director's agent for the purpose of carrying out the provisions of sections 124.01 to 124.64 of the Revised Code, within the county, that the director designates. Each municipal civil service commission designated as an agent of the director shall render to the director, at the end of each month, an itemized statement of the cost incurred by the commission for work done as the agent of the director, and the director, after approving that statement, shall pay the total amount of it to the treasurer of the municipal corporation in the same manner as other expenses of the department of administrative services.~~

~~(F) The director of administrative services and the examiners, inspectors, clerks, and assistants referred to in this section shall receive, in addition to their salaries, reimbursement for necessary traveling and other expenses incurred in the actual discharge of their official duties. The director may also incur the necessary expenses for stationery, printing, and other supplies incident to the business of the department.~~

Sec. 124.11. The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts

of the state shall be divided into the unclassified service and the classified service.

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter:

(1) All officers elected by popular vote or persons appointed to fill vacancies in those offices;

(2) All election officers as defined in section 3501.01 of the Revised Code;

(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;

(b) The heads of all departments appointed by a board of county commissioners;

(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;

Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.

(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;

(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees

of the city legislative authority engaged in legislative duties;

(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;

(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;

(b) The library staff of any library in the state supported wholly or in part at public expense.

(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and administrative support employees for each board of county commissioners and one such employee for each county commissioner, and four clerical and administrative support employees for other elective officers and each of the principal appointive executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative support employees;

(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed by and directly responsible to elected county officials or a county administrator and holding a fiduciary or administrative relationship to such elected county officials or

county administrator, and the employees of such county officials whose fitness would be impracticable to determine by competitive examination, provided that division (A)(9) of this section shall not affect those persons in county employment in the classified service as of September 19, 1961. Nothing in division (A)(9) of this section applies to any position in a county department of job and family services created pursuant to Chapter 329. of the Revised Code.

(10) Bailiffs, constables, official stenographers, and commissioners of courts of record, deputies of clerks of the courts of common pleas who supervise or who handle public moneys or secured documents, and such officers and employees of courts of record and such deputies of clerks of the courts of common pleas as the appointing authority finds it impracticable to determine their fitness by competitive examination;

(11) Assistants to the attorney general, special counsel appointed or employed by the attorney general, assistants to county prosecuting attorneys, and assistants to city directors of law;

(12) Such teachers and employees in the agricultural experiment stations; such students in normal schools, colleges, and universities of the state who are employed by the state or a political subdivision of the state in student or intern classifications; and such unskilled labor positions as the director of administrative services, with respect to positions in the service of the state, or any municipal civil service commission may find it impracticable to include in the competitive classified service; provided such exemptions shall be by order of the commission or the director, duly entered on the record of the commission or the director with the reasons

for each such exemption;

(13) Any physician or dentist who is a full-time employee of the department of mental health and addiction services, the department of developmental disabilities, or an institution under the jurisdiction of either department; and physicians who are in residency programs at the institutions;

(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health and addiction services or the department of developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;

(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of this state, or medical assistants, in mental or chronic disease hospitals, or institutions;

(16) Employees of the governor's office;

(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;

(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors,

and program directors;

(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of developmental disabilities;

(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;

(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;

(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;

(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;

(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;

(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;

(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery

commission, opportunities for Ohioans with disabilities agency, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 47 of salary schedule E-2 ~~in~~ created by the director of administrative services under section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;

(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;

(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;

(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;

(32) Employees placed in the unclassified service by another section of the Revised Code.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative

services, by appointment from those certified to the appointing officer in accordance with this chapter.

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class for positions in service of the state shall be filled by appointment from lists of applicants registered by the director or the director's designee. Vacancies in the labor class for all other positions shall be filled by appointment from lists of applicants registered by a commission. The director or the commission, as applicable, by rule, shall require an applicant for registration in the labor class to furnish evidence or take tests as the director or commission considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which application is made. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from that evidence or in those tests. Upon the request of an appointing officer, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, the director or commission, as applicable, shall certify from the highest on the list double the number to be employed; from this number, the appointing officer shall appoint the number actually needed for the particular work. If more than one applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

(C) A municipal or civil service township civil service commission may place volunteer firefighters who are paid on a fee-for-service basis in either the classified or the

unclassified civil service.

(D)(1) This division does not apply to persons in the unclassified service who have the right to resume positions in the classified service under sections 4121.121, 5119.18, 5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised Code or to cities, counties, or political subdivisions of the state.

(2) A person who holds a position in the classified service of the state and who is appointed to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service and any of the following apply:

(a) That person held a certified position prior to July 1, 2007, in the classified service within the appointing authority's agency;

(b) That person held a permanent position on or after July 1, 2007, in the classified service within the appointing authority's agency, and was appointed to the position in the unclassified service prior to January 1, 2016;

(c) That person held a permanent position on or after January 1, 2016, in the classified service within the appointing authority's agency, and is within five years from the effective

date of the person's appointment in the unclassified service.

(3) An employee forfeits the right to resume a position in the classified service when:

(a) The employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony while employed in the civil service; or

(b) Upon transfer to a different agency.

(4) Reinstatement to a position in the classified service shall be to a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the appointing authority's agency that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the person's time of service in the position in

the unclassified service.

Sec. 124.134. (A) Each full-time permanent state employee paid in accordance with the schedules created under section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code shall be credited with vacation leave with full pay according to length of service and accruing at a corresponding rate per biweekly pay period, as follows:

	1	2
A	Length of Service Per Pay Period	Accrual Rate
B	Less than 4 years	3.1 hours
C	4 but less than 9 years	4.6 hours
D	9 but less than 14 years	6.2 hours
E	14 but less than 19 years	6.9 hours
F	19 but less than 24 years	7.7 hours
G	24 years or more	9.2 hours

Fifty-two weeks equal one year of service.

The amount of an employee's service shall be determined in accordance with the standard specified in section 9.44 of the Revised Code. Credit for prior service, including an increased vacation accrual rate and longevity supplement, shall take effect during the first pay period that begins immediately following the date the director of administrative services approves granting credit for that prior service. No employee,

other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any amount of vacation leave for the period prior to the date of the director's approval of the grant of credit for prior service.

Part-time permanent employees who are paid in accordance with the schedules created under section 124.152 of the Revised Code and full-time permanent employees subject to this section who are in active pay status for less than eighty hours in a pay period shall earn vacation leave on a prorated basis. The ratio between the hours worked and the vacation hours earned by these classes of employees shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time permanent employee with the same amount of service as provided for in this section.

Vacation leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

(B) Employees granted leave under this section shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Any excess leave shall be eliminated from the employees' leave balance.

(C) Except as provided in division (D) of this section, beginning in fiscal year 2012, an employee may be paid for up to eighty hours of vacation leave each fiscal year if the employee requested and was denied the use of vacation leave during that fiscal year. No employee shall receive payment for more than eighty hours of denied vacation leave in a single fiscal year. An employee is only eligible to receive payment for vacation

leave when the employee's vacation leave credit is at, or will reach in the immediately following pay period, the maximum of the accrual for three years and the employee has been denied the use of vacation leave. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which an employee receives payment shall be deducted from the employee's vacation leave balance. No employee is eligible to receive payment for denied vacation leave in either fiscal year 2010 or fiscal year 2011.

(D) The supreme court, general assembly, secretary of state, auditor of state, treasurer of state, and attorney general may establish by policy an alternate payment structure for employees whose vacation leave credit is at, or will reach in the immediately following pay period, the maximum of accrual for three years and the employee has been denied the use of vacation leave. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which the employee receives payment shall be deducted from the employee's vacation leave balance.

(E) Except as otherwise provided in this division, upon separation from state service, an employee granted leave under this section is entitled to compensation at the employee's current rate of pay for all unused vacation leave accrued under this section or section 124.13 of the Revised Code to the employee's credit. An employee who separates from state service with less than twelve months of total state service is not

entitled to compensation for unused accrued vacation leave. In case of transfer of an employee from one state agency to another, the employee shall retain the unused accrued vacation leave. In case of the death of an employee, the unused accrued vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. An employee serving in a temporary work level who is eligible to receive compensation under this division shall be compensated at the base rate of pay of the employee's normal classification.

(F)(1) Except as provided in division (G) of this section, beginning in December 2023, and every year thereafter, the director shall allow an eligible full-time or part-time employee who is credited with vacation leave under this section to convert a portion of the employee's unused accrued vacation leave to cash in accordance with this division.

(2) To be eligible for the conversion described in division (F)(1) of this section, an employee shall have not less than one hundred hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the conversion.

(3) An employee who has not less than two hundred hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the conversion is eligible to convert up to eighty hours of unused accrued vacation leave to cash under division (F)(1) of this section. An employee who has not less than one hundred hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the

conversion is eligible to convert up to forty hours of unused accrued vacation leave to cash under division (F)(1) of this section.

(4) Unused accrued vacation leave converted to cash under division (F)(1) of this section shall be paid to the employee in the first paycheck of December at the base rate of pay for every hour of unused accrued vacation leave that the employee converts. An employee serving in a temporary work level who elects to convert unused accrued vacation leave to cash shall do so at the base rate of pay of the employee's normal classification.

(5) An employee who separates from state service during the year shall not be eligible for the cash benefit provided under division (F) of this section.

(6) The cash benefit set forth in division (F) of this section shall not be subject to contributions to any of the retirement systems, either by the employee or the employer.

(7) The director shall establish procedures to implement this division. The director shall include in the procedures a final date by which an employee must notify the director of the amount of unused accrued vacation leave to be converted to cash. Except as provided in division (B) of this section, an employee's unused accrued vacation leave balance shall automatically carry forward if the employee does not notify the director in accordance with the procedures the director establishes.

(G) Division (F) of this section does not apply to employees of the supreme court, the general assembly, the legislative service commission, the secretary of state, the

auditor of state, the treasurer of state, or the attorney general unless the supreme court, the general assembly, the legislative service commission, the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the employees of those respective entities should be eligible for the opportunity to convert unused accrued vacation leave pursuant to division (F) of this section and notifies the director in writing on or before the first day of October of the calendar year of the decision to make the employees eligible. The first year that these entities may elect to allow to make the employees eligible is 2023. After notifying the director in writing of the decision that employees of those respective entities are eligible, those employees remain eligible until the respective entity notifies the director in writing on or before the first day of October of the calendar year that the employees are ineligible. If any entity notifies the director of a decision that employees of those entities are ineligible during any calendar year, those employees remain ineligible until the entity notifies the director in writing on or before the first day of October of the calendar year that the employees are eligible. This division does not apply to employees defined as public employees under section 4117.01 of the Revised Code.

Sec. 124.135. (A) State employees are entitled to paid leave when summoned for jury duty by a court of competent jurisdiction.

(B) State employees are entitled to paid leave when subpoenaed to appear before any court, commission, board, or other legally constituted body authorized by law to compel the attendance of witnesses. This division does not apply if the state employee is a party to the action or proceeding involved

or is subpoenaed as a result of secondary employment outside the service of the state.

(C) Each full-time permanent state employee paid in accordance with the schedules created under section 124.152 of the Revised Code and those employees described in divisions (B)(2) and (4) of section 124.14 of the Revised Code also may be entitled, in their appointing authority's discretion, to paid leave when appointed to serve on advisory boards or commissions or when soliciting for charities for which payroll deductions are made.

Sec. 124.136. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.

(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.

(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with the schedules created under section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division (B)(2)(a) of this section is eligible, upon the birth, stillbirth, or adoption of a child, for a parental leave of absence and parental leave benefits under this section. If the employee takes leave under this section for a stillbirth, the employee is ineligible for leave under section 124.387 of the Revised Code.

(2)(a) To be eligible for leave and benefits under this section, an employee must be one of the following:

(i) A parent, as listed on the birth certificate, of a

newly born child;

(ii) A parent, as listed on the fetal death certificate, of a stillborn child;

(iii) A legal guardian of a newly adopted child who resides in the same household as that child.

(b) Employees may elect to receive five thousand dollars for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested upon placement of the child in the employee's home. If the child is already residing in the home, payment may be requested at the time the adoption is approved.

(3) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility and benefits under this section.

(C) Parental leave granted under this section shall not exceed twelve consecutive weeks, which shall include four hundred eighty hours of paid leave for permanent full-time employees and a prorated number of hours of paid leave for permanent part-time employees. Parental leave shall be taken within one year of the birth of the child, delivery of the stillborn child, or placement of the child for adoption. During

the leave period, employees shall receive paid leave equal to seventy per cent of their base rate of pay. All of the following apply to employees granted parental leave:

(1) They remain eligible to receive all employer-paid benefits and continue to accrue all other forms of paid leave as if they were in active pay status.

(2) They are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating their overtime pay.

(3) They are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of parental leave and be paid as such.

(D) Employees receiving parental leave may utilize available sick leave, personal leave, vacation leave, or compensatory time balances in order to supplement the seventy per cent of their base rate of pay received during the parental leave period, in an amount sufficient to give them up to one hundred per cent of their pay for time on parental leave.

Use of parental leave does not affect an employee's eligibility for other forms of paid leave granted under this chapter and does not prohibit an employee from taking leave under the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 U.S.C.A. 2601, except that parental leave shall be included in any leave time provided under that act. An employee may not receive parental leave under this section after exhausting leave under the Family and Medical Leave Act of 1993 for the birth of the child, delivery of the stillborn child, or placement of the child for adoption.

(E) Employees receiving disability leave benefits under

section 124.385 of the Revised Code prior to becoming eligible for parental leave shall continue to receive disability leave benefits for the duration of their disabling condition or as otherwise provided under the disability leave benefits program. If an employee is receiving disability leave benefits because of pregnancy and these benefits expire prior to the expiration date of any benefits the employee would have been entitled to receive under this section, the employee shall receive parental leave for such additional time.

Sec. 124.1310. (A) As used in this section:

(1) "Emergency medical service," "EMT-basic," "EMT-I," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(2) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.

(B) A state employee who is an EMT-basic, EMT-I, first responder, paramedic, or volunteer firefighter shall receive ~~forty~~ one hundred twenty hours of leave with pay each calendar year to use during those hours when the employee is absent from work in order to ~~provide~~ do either of the following:

(1) Provide emergency medical service or fire-fighting service;

(2) Attend a training or continuing education program that relates to providing emergency medical service or fire-fighting service.

(C) An appointing authority shall compensate an employee who uses leave granted under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

Sec. 124.1312. (A) As used in this section:

(1) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(2) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(B) Each permanent full-time and permanent part-time employee paid in accordance with the schedules created under section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who is a foster caregiver or kinship caregiver is eligible, on placement of a child in the employee's home, to a maximum of five days of caregiver leave with full pay in a calendar year. Caregiver leave eligibility begins on the day on which the child is placed with the prospective foster caregiver or kinship caregiver.

(C) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day caregiver leave begins shall be used to determine eligibility for leave under this section for part-time employees. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility for leave under this section.

(D) Use of caregiver leave does not affect an employee's eligibility for other forms of paid leave granted under this chapter and does not prohibit an employee from taking leave under the "Family and Medical Leave Act of 1993," 29 U.S.C.

2601, except that caregiver leave shall be included in any leave time provided under that act.

(E) The director of administrative services may adopt rules in accordance with Chapter 119. of the Revised Code governing caregiver leave established under this section.

Sec. 124.142. Twenty-five per cent of the compensation paid under section 124.15 of the Revised Code or the schedules created under section 124.152 of the Revised Code to a person designated as a chaplain or religious services administrator, while serving in a full-time capacity in such position, shall be considered to be a housing allowance. The amount of the housing allowance shall not affect the requirement of section 145.47 of the Revised Code as to the contribution to be made to the employees' savings fund of the public employees retirement system, and the amount of the contributions shall be based on the member's earnable salary, including the housing allowance.

Sec. 124.15. (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

Pay Ranges and Step Values

1	2	3	4	5	6
A	Range		Step 1	Step 2	Step 3	Step 4
B	23	Hourly	5.72	5.91	6.10	6.31
C		Annually	11897.60	12292.80	12688.00	13124.80

D			Step 5	Step 6		
E		Hourly	6.52	6.75		
F		Annually	13561.60	14040.00		
G			Step 1	Step 2	Step 3	Step 4
H	24	Hourly	6.00	6.20	6.41	6.63
I		Annually	12480.00	12896.00	13332.80	13790.40
J			Step 5	Step 6		
K		Hourly	6.87	7.10		
L		Annually	14289.60	14768.00		
M			Step 1	Step 2	Step 3	Step 4
N	25	Hourly	6.31	6.52	6.75	6.99
O		Annually	13124.80	13561.60	14040.00	14539.20
P			Step 5	Step 6		
Q		Hourly	7.23	7.41		
R		Annually	15038.40	15412.80		
S			Step 1	Step 2	Step 3	Step 4
T	26	Hourly	6.63	6.87	7.10	7.32
U		Annually	13790.40	14289.60	14768.00	15225.60

V			Step 5	Step 6		
W		Hourly	7.53	7.77		
X		Annually	15662.40	16161.60		
Y			Step 1	Step 2	Step 3	Step 4
Z	27	Hourly	6.99	7.23	7.41	7.64
AA		Annually	14534.20	15038.40	15412.80	15891.20
AB			Step 5	Step 6	Step 7	
AC		Hourly	7.88	8.15	8.46	
AD		Annually	16390.40	16952.00	17596.80	
AE			Step 1	Step 2	Step 3	Step 4
AF	28	Hourly	7.41	7.64	7.88	8.15
AG		Annually	15412.80	15891.20	16390.40	16952.00
AH			Step 5	Step 6	Step 7	
AI		Hourly	8.46	8.79	9.15	
AJ		Annually	17596.80	18283.20	19032.00	
AK			Step 1	Step 2	Step 3	Step 4
AL	29	Hourly	7.88	8.15	8.46	8.79
AM		Annually	16390.40	16952.00	17596.80	18283.20

AN			Step 5	Step 6	Step 7	
AO		Hourly	9.15	9.58	10.01	
AP		Annually	19032.00	19926.40	20820.80	
AQ			Step 1	Step 2	Step 3	Step 4
AR	30	Hourly	8.46	8.79	9.15	9.58
AS		Annually	17596.80	18283.20	19032.00	19926.40
AT			Step 5	Step 6	Step 7	
AU		Hourly	10.01	10.46	10.99	
AV		Annually	20820.80	21756.80	22859.20	
AW			Step 1	Step 2	Step 3	Step 4
AX	31	Hourly	9.15	9.58	10.01	10.46
AY		Annually	19032.00	19962.40	20820.80	21756.80
AZ			Step 5	Step 6	Step 7	
BA		Hourly	10.99	11.52	12.09	
BB		Annually	22859.20	23961.60	25147.20	
BC			Step 1	Step 2	Step 3	Step 4
BD	32	Hourly	10.01	10.46	10.99	11.52
BE		Annually	20820.80	21756.80	22859.20	23961.60

BF			Step 5	Step 6	Step 7	Step 8
BG		Hourly	12.09	12.68	13.29	13.94
BH		Annually	25147.20	26374.40	27643.20	28995.20
BI			Step 1	Step 2	Step 3	Step 4
BJ	33	Hourly	10.99	11.52	12.09	12.68
BK		Annually	22859.20	23961.60	25147.20	26374.40
BL			Step 5	Step 6	Step 7	Step 8
BM		Hourly	13.29	13.94	14.63	15.35
BN		Annually	27643.20	28995.20	30430.40	31928.00
BO			Step 1	Step 2	Step 3	Step 4
BP	34	Hourly	12.09	12.68	13.29	13.94
BQ		Annually	25147.20	26374.40	27643.20	28995.20
BR			Step 5	Step 6	Step 7	Step 8
BS		Hourly	14.63	15.35	16.11	16.91
BT		Annually	30430.40	31928.00	33508.80	35172.80
BU			Step 1	Step 2	Step 3	Step 4
BV	35	Hourly	13.29	13.94	14.63	15.35
BW		Annually	27643.20	28995.20	30430.40	31928.00

BX			Step 5	Step 6	Step 7	Step 8
BY		Hourly	16.11	16.91	17.73	18.62
BZ		Annually	33508.80	35172.80	36878.40	38729.60
CA			Step 1	Step 2	Step 3	Step 4
CB	36	Hourly	14.63	15.35	16.11	16.91
CC		Annually	30430.40	31928.00	33508.80	35172.80
CD			Step 5	Step 6	Step 7	Step 8
CE		Hourly	17.73	18.62	19.54	20.51
CF		Annually	36878.40	38729.60	40643.20	42660.80

Schedule C

Pay Range and Values

1	2	3	4
A	Range	Minimum	Maximum
B	41 Hourly	10.44	15.72
C	Annually	21715.20	32697.60
D	42 Hourly	11.51	17.35
E	Annually	23940.80	36088.00
F	43 Hourly	12.68	19.12

G		Annually	26374.40	39769.60
H	44	Hourly	13.99	20.87
I		Annually	29099.20	43409.60
J	45	Hourly	15.44	22.80
K		Annually	32115.20	47424.00
L	46	Hourly	17.01	24.90
M		Annually	35380.80	51792.00
N	47	Hourly	18.75	27.18
O		Annually	39000.00	56534.40
P	48	Hourly	20.67	29.69
Q		Annually	42993.60	61755.20
R	49	Hourly	22.80	32.06
S		Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis.

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in the schedules created under section 124.152 of the Revised Code.

(D) The salary and wage rates in division (A) of this section or in the schedules created under section 124.152 of the

Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them.

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with the schedules created under section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even if it is similar to a payment or benefit already provided by law to some or all of these employees. Any payment or benefit so

provided shall not exceed the highest level for that payment or benefit specified in such a collective bargaining agreement. The director of administrative services shall not provide, and the director of budget and management shall not approve, any payment or benefit to such an employee under this division unless the payment or benefit is provided pursuant to a collective bargaining agreement to a state employee who is in a position with similar duties as, is supervised by, or is employed by the same appointing authority as, the employee to whom the benefit or payment is to be provided.

As used in this division, "payment or benefit already provided by law" includes, but is not limited to, bereavement, personal, vacation, administrative, and sick leave, disability benefits, holiday pay, and pay supplements provided under the Revised Code, but does not include wages or salary.

(E) New employees paid in accordance with schedule B of division (A) of this section or schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code shall be employed at the minimum rate established for the range unless otherwise provided. Employees with qualifications that are beyond the minimum normally required for the position and that are determined by the director to be exceptional may be employed in, or may be transferred or promoted to, a position at an advanced step of the range. Further, in time of a serious labor market condition when it is relatively impossible to recruit employees at the minimum rate for a particular classification, the entrance rate may be set at an advanced step in the range by the director of administrative services. This rate may be limited to geographical regions of the state. Appointments made to an advanced step under the provision regarding exceptional qualifications shall not affect

the step assignment of employees already serving. However, anytime the hiring rate of an entire classification is advanced to a higher step, all incumbents of that classification being paid at a step lower than that being used for hiring, shall be advanced beginning at the start of the first pay period thereafter to the new hiring rate, and any time accrued at the lower step will be used to calculate advancement to a succeeding step. If the hiring rate of a classification is increased for only a geographical region of the state, only incumbents who work in that geographical region shall be advanced to a higher step. When an employee in the unclassified service changes from one state position to another or is appointed to a position in the classified service, or if an employee in the classified service is appointed to a position in the unclassified service, the employee's salary or wage in the new position shall be determined in the same manner as if the employee were an employee in the classified service. When an employee in the unclassified service who is not eligible for step increases is appointed to a classification in the classified service under which step increases are provided, future step increases shall be based on the date on which the employee last received a pay increase. If the employee has not received an increase during the previous year, the date of the appointment to the classified service shall be used to determine the employee's annual step advancement eligibility date. In reassigning any employee to a classification resulting in a pay range increase or to a new pay range as a result of a promotion, an increase pay range adjustment, or other classification change resulting in a pay range increase, the director shall assign such employee to the step in the new pay range that will provide an increase of approximately four per cent if the new pay range can accommodate the increase. When an employee is being assigned to a

classification or new pay range as the result of a class plan change, if the employee has completed a probationary period, the employee shall be placed in a step no lower than step two of the new pay range. If the employee has not completed a probationary period, the employee may be placed in step one of the new pay range. Such new salary or wage shall become effective on such date as the director determines.

(F) If employment conditions and the urgency of the work require such action, the director of administrative services may, upon the application of a department head, authorize payment at any rate established within the range for the class of work, for work of a casual or intermittent nature or on a project basis. Payment at such rates shall not be made to the same individual for more than three calendar months in any one calendar year. Any such action shall be subject to the approval of the director of budget and management as to the availability of funds. This section and sections 124.14 and 124.152 of the Revised Code do not repeal any authority of any department or public official to contract with or fix the compensation of professional persons who may be employed temporarily for work of a casual nature or for work on a project basis.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, each state employee paid in accordance with schedule B of this section or schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code shall be eligible for advancement to succeeding steps in the range for the employee's class or grade according to the schedule established in this division. Beginning on the first day of the pay period within which the employee completes the prescribed probationary period in the employee's classification with the state, each employee shall receive an

automatic salary adjustment equivalent to the next higher step within the pay range for the employee's class or grade.

Except as provided in divisions (G)(2) and (3) of this section, each employee paid in accordance with schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code shall be eligible to advance to the next higher step until the employee reaches the top step in the range for the employee's class or grade, if the employee has maintained satisfactory performance in accordance with criteria established by the employee's appointing authority. Those step advancements shall not occur more frequently than once in any twelve-month period.

When an employee is promoted, the step entry date shall be set to account for a probationary period. When an employee is reassigned to a higher pay range, the step entry date shall be set to allow an employee who is not at the highest step of the range to receive a step advancement one year from the reassignment date. Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 created by the director of

administrative services under section 124.152 of the Revised Code.

(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule.

An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department head and with the approval of the director of administrative services, at a rate not to exceed fifty per cent in excess of the employee's current base rate for the period of time spent on that duty.

(J) Unless compensation for members of a board or commission is otherwise specifically provided by law, the director of administrative services shall establish the rate and method of payment for members of boards and commissions pursuant to the pay schedules ~~listed in~~ created under section 124.152 of the Revised Code.

(K) Regular full-time employees in positions assigned to classes within the instruction and education administration series under the job classification plans of the director of administrative services, except certificated employees on the instructional staff of Ohio deaf and blind education services, whose positions are scheduled to work on the basis of an

academic year rather than a full calendar year, shall be paid according to the pay range assigned by the applicable job classification plan, but only during those pay periods included in the academic year of the school where the employee is located.

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of Ohio deaf and blind education services shall, subject to the approval of the director of education and workforce, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of Ohio deaf and blind education services constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the

rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of Ohio deaf and blind education services to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an academic year, the employee's annual salary

shall be calculated in accordance with the following formula:

(a) Multiply the number of days the employee is required to work pursuant to the employee's contract by eight;

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the state school for the deaf and the state school for the blind are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code,

who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.152. (A)(1) Except as provided in division (A)(2) of this section, each exempt employee shall be paid a salary or wage in accordance with schedule E-1 or schedule E-2 ~~of~~ created in accordance with division (B) of this section.

(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1 or schedule E-2 ~~of~~ created in accordance with division (B) of this section, as applicable.

~~(B)(1) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, 2021:~~

~~Schedule E-1~~

1	2	3	4	5	6	7	8	9	10
A			~~Pay Ranges and Step Values~~						
B									
C		~~Step 1~~	~~Step 2~~	~~Step 3~~	~~Step 4~~	~~Step 5~~	~~Step 6~~	~~Step 7~~	~~Step 8~~

D ~~Range~~

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	1	2	3	4	5	6	7	8	9	10
A	~~1~~	~~Hourly~~	~~12.14~~	~~12.69~~	~~13.21~~	~~13.80~~				
B		~~Annually~~	~~25251~~	~~26395~~	~~27476~~	~~28704~~				
C	~~2~~	~~Hourly~~	~~14.73~~	~~15.36~~	~~16.01~~	~~16.72~~				
D		~~Annually~~	~~30638~~	~~31948~~	~~33300~~	~~34777~~				
E	~~3~~	~~Hourly~~	~~15.44~~	~~16.13~~	~~16.84~~	~~17.56~~				
F		~~Annually~~	~~32115~~	~~33550~~	~~35027~~	~~36524~~				
G	~~4~~	~~Hourly~~	~~16.20~~	~~16.93~~	~~17.75~~	~~18.51~~				
H		~~Annually~~	~~33696~~	~~35214~~	~~36920~~	~~38500~~				
I	~~5~~	~~Hourly~~	~~17.00~~	~~17.78~~	~~18.51~~	~~19.33~~				
J		~~Annually~~	~~35360~~	~~36982~~	~~38500~~	~~40206~~				
K	~~6~~	~~Hourly~~	~~17.91~~	~~18.66~~	~~19.47~~	~~20.27~~				
L		~~Annually~~	~~37252~~	~~38812~~	~~40497~~	~~42161~~				
M	~~7~~	~~Hourly~~	~~19.01~~	~~19.72~~	~~20.54~~	~~21.25~~	~~22.07~~			
N		~~Annually~~	~~39540~~	~~41017~~	~~42723~~	~~44200~~	~~45905~~			
O	~~8~~	~~Hourly~~	~~20.11~~	~~21.00~~	~~21.90~~	~~22.89~~	~~23.97~~			
P		~~Annually~~	~~41828~~	~~43680~~	~~45552~~	~~47611~~	~~49857~~			

Q	~~9~~	~~Hourly~~	~~21.45~~	~~22.56~~	~~23.67~~	~~24.85~~	~~26.11~~				
R		~~Annually~~	~~44616~~	~~46924~~	~~49233~~	~~51688~~	~~54308~~				
S	~~10~~	~~Hourly~~	~~23.13~~	~~24.41~~	~~25.72~~	~~27.20~~	~~28.64~~				
T		~~Annually~~	~~48110~~	~~50772~~	~~53497~~	~~56576~~	~~59571~~				
U	~~11~~	~~Hourly~~	~~25.20~~	~~26.66~~	~~28.20~~	~~29.80~~	~~31.49~~				
V		~~Annually~~	~~52416~~	~~55452~~	~~58656~~	~~61984~~	~~65499~~				
W	~~12~~	~~Hourly~~	~~27.80~~	~~29.36~~	~~30.93~~	~~32.64~~	~~34.46~~	~~36.34~~	~~37.82~~	~~39.60~~	
X		~~Annually~~	~~57824~~	~~61068~~	~~64334~~	~~67891~~	~~71676~~	~~75587~~	~~78665~~	~~82368~~	
Y	~~13~~	~~Hourly~~	~~30.64~~	~~32.32~~	~~34.09~~	~~35.92~~	~~37.95~~	~~39.99~~	~~41.63~~	~~43.59~~	
Z		~~Annually~~	~~63731~~	~~67225~~	~~70907~~	~~74713~~	~~78936~~	~~83179~~	~~86590~~	~~90667~~	
AA	~~14~~	~~Hourly~~	~~33.69~~	~~35.61~~	~~37.52~~	~~39.56~~	~~41.80~~	~~44.13~~	~~45.95~~	~~48.10~~	
AB		~~Annually~~	~~70075~~	~~74068~~	~~78041~~	~~82284~~	~~86944~~	~~91790~~	~~95576~~	~~100048~~	
AC	~~15~~	~~Hourly~~	~~37.02~~	~~39.10~~	~~41.30~~	~~43.57~~	~~45.99~~	~~48.51~~	~~50.50~~	~~52.88~~	
AD		~~Annually~~	~~77001~~	~~81328~~	~~85904~~	~~90625~~	~~95659~~	~~100900~~	~~105040~~	~~109990~~	
AE	~~16~~	~~Hourly~~	~~40.81~~	~~43.08~~	~~45.45~~	~~48.00~~	~~50.63~~	~~53.53~~	~~55.73~~	~~58.34~~	
AF		~~Annually~~	~~84884~~	~~89606~~	~~94536~~	~~99840~~	~~105310~~	~~111342~~	~~115918~~	~~121347~~	
AG	~~17~~	~~Hourly~~	~~44.96~~	~~47.44~~	~~50.10~~	~~52.86~~	~~55.83~~	~~58.94~~			
AH		~~Annually~~	~~93516~~	~~98675~~	~~104208~~	~~109948~~	~~116126~~	~~122595~~			

AI	~~18~~	~~Hourly~~	~~49.55~~	~~52.29~~	~~55.24~~	~~58.28~~	~~61.50~~	~~64.94~~
AJ		~~Annually~~	~~103064~~	~~108763~~	~~114899~~	~~121222~~	~~127920~~	~~135075~~

~~Schedule E-2~~

	1	2	3	4
A	~~Range~~		~~Minimum~~	~~Maximum~~
B	~~41~~	~~Hourly~~	~~16.23~~	~~48.99~~
C		~~Annually~~	~~33758~~	~~101899~~
D	~~42~~	~~Hourly~~	~~17.89~~	~~54.09~~
E		~~Annually~~	~~37211~~	~~112507~~
F	~~43~~	~~Hourly~~	~~19.70~~	~~59.56~~
G		~~Annually~~	~~40976~~	~~123884~~
H	~~44~~	~~Hourly~~	~~21.73~~	~~65.08~~
I		~~Annually~~	~~45198~~	~~135366~~
J	~~45~~	~~Hourly~~	~~24.01~~	~~71.05~~
K		~~Annually~~	~~49941~~	~~147784~~
L	~~46~~	~~Hourly~~	~~26.43~~	~~77.65~~
M		~~Annually~~	~~54974~~	~~161512~~
N	~~47~~	~~Hourly~~	~~29.14~~	~~84.75~~

O		~~Annually~~	~~60611~~	~~176280~~
P	~~48~~	~~Hourly~~	~~32.14~~	~~92.45~~
Q		~~Annually~~	~~66851~~	~~192296~~
R	~~49~~	~~Hourly~~	~~35.44~~	~~99.83~~
S		~~Annually~~	~~73715~~	~~207646~~

~~(2) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, 2022:~~

~~Schedule E-1~~

1	2	3	4	5	6	7	8	9	10
A			~~Pay Ranges and Step Values~~						
B		~~Step 1~~	~~Step 2~~	~~Step 3~~	~~Step 4~~	~~Step 5~~	~~Step 6~~	~~Step 7~~	~~Step 8~~
C	~~Range~~								

1	2	3	4	5	6	7	8	9	10
A	~~1~~	~~Hourly~~	~~12.50~~	~~13.07~~	~~13.61~~	~~14.21~~			
B		~~Annually~~	~~26000~~	~~27185~~	~~28308~~	~~29556~~			
C	~~2~~	~~Hourly~~	~~15.17~~	~~15.82~~	~~16.49~~	~~17.22~~			
D		~~Annually~~	~~31553~~	~~32905~~	~~34299~~	~~35817~~			

E	~~3~~	~~Hourly~~	~~15.90~~	~~16.61~~	~~17.35~~	~~18.09~~	
F		~~Annually~~	~~33072~~	~~34548~~	~~36088~~	~~37627~~	
G	~~4~~	~~Hourly~~	~~16.69~~	~~17.44~~	~~18.28~~	~~19.07~~	
H		~~Annually~~	~~34715~~	~~36275~~	~~38022~~	~~39665~~	
I	~~5~~	~~Hourly~~	~~17.51~~	~~18.31~~	~~19.07~~	~~19.91~~	
J		~~Annually~~	~~36420~~	~~38084~~	~~39665~~	~~41412~~	
K	~~6~~	~~Hourly~~	~~18.45~~	~~19.22~~	~~20.05~~	~~20.88~~	
L		~~Annually~~	~~38376~~	~~39977~~	~~41704~~	~~43430~~	
M	~~7~~	~~Hourly~~	~~19.58~~	~~20.31~~	~~21.16~~	~~21.89~~	~~22.73~~
N		~~Annually~~	~~40726~~	~~42244~~	~~44012~~	~~45531~~	~~47278~~
O	~~8~~	~~Hourly~~	~~20.71~~	~~21.63~~	~~22.56~~	~~23.58~~	~~24.69~~
P		~~Annually~~	~~43076~~	~~44990~~	~~46924~~	~~49046~~	~~51355~~
Q	~~9~~	~~Hourly~~	~~22.09~~	~~23.24~~	~~24.38~~	~~25.60~~	~~26.89~~
R		~~Annually~~	~~45947~~	~~48339~~	~~50710~~	~~53248~~	~~55931~~
S	~~10~~	~~Hourly~~	~~23.82~~	~~25.14~~	~~26.49~~	~~28.02~~	~~29.50~~
T		~~Annually~~	~~49545~~	~~52291~~	~~55099~~	~~58281~~	~~61360~~
U	~~11~~	~~Hourly~~	~~25.96~~	~~27.46~~	~~29.05~~	~~30.69~~	~~32.43~~
V		~~Annually~~	~~53996~~	~~57116~~	~~60424~~	~~63835~~	~~67454~~

W	12	Hourly	28.63	30.24	31.86	33.62	35.49	37.43	38.95	40.79
X		Annually	59550	62889	66268	69929	73819	77854	81016	84843
Y	13	Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90
Z		Annually	65644	69243	73028	76960	81307	85675	89190	93392
AA	14	Hourly	34.70	36.68	38.65	40.75	43.05	45.45	47.33	49.54
AB		Annually	72176	76294	80392	84760	89544	94536	98446	103043
AC	15	Hourly	38.13	40.27	42.54	44.88	47.37	49.97	52.02	54.47
AD		Annually	79310	83761	88483	93350	98529	103937	108201	113297
AE	16	Hourly	42.03	44.37	46.81	49.44	52.15	55.14	57.40	60.09
AF		Annually	87422	92289	97364	102835	108472	114691	119392	124987
AG	17	Hourly	46.31	48.86	51.60	54.45	57.50	60.71		
AH		Annually	96324	101628	107328	113256	119600	126276		
AI	18	Hourly	51.04	53.86	56.90	60.03	63.35	66.89		
AJ		Annually	106163	112028	118352	124862	131768	139131		

Schedule E-2

1	2	3	4
A	Range	Minimum	Maximum
B	41	Hourly	16.23	50.46

C		~~Annually~~	~~33758~~	~~104956~~
D	~~42~~	~~Hourly~~	~~17.89~~	~~55.71~~
E		~~Annually~~	~~37211~~	~~115876~~
F	~~43~~	~~Hourly~~	~~19.70~~	~~61.35~~
G		~~Annually~~	~~40976~~	~~127608~~
H	~~44~~	~~Hourly~~	~~21.73~~	~~67.03~~
I		~~Annually~~	~~45198~~	~~139422~~
J	~~45~~	~~Hourly~~	~~24.01~~	~~73.18~~
K		~~Annually~~	~~49941~~	~~152214~~
L	~~46~~	~~Hourly~~	~~26.43~~	~~79.98~~
M		~~Annually~~	~~54974~~	~~166358~~
N	~~47~~	~~Hourly~~	~~29.14~~	~~87.29~~
O		~~Annually~~	~~60611~~	~~181563~~
P	~~48~~	~~Hourly~~	~~32.14~~	~~95.22~~
Q		~~Annually~~	~~66851~~	~~198057~~
R	~~49~~	~~Hourly~~	~~35.44~~	~~102.82~~
S		~~Annually~~	~~73715~~	~~213865~~

~~(3) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid~~

~~a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, 2023:~~

~~Schedule E-1~~

1	2	3	4	5	6	7	8	9	10
A			~~Pay Ranges and Step Values~~						
B			~~Step 1~~	~~Step 2~~	~~Step 3~~	~~Step 4~~	~~Step 5~~	~~Step 6~~	~~Step 7~~	~~Step 8~~
C	~~Range~~								
D	~~1~~	~~Hourly~~	~~12.88~~	~~13.46~~	~~14.02~~	~~14.64~~			
E		~~Annually~~	~~26790~~	~~27996~~	~~29161~~	~~30451~~			
F	~~2~~	~~Hourly~~	~~15.63~~	~~16.29~~	~~16.98~~	~~17.74~~			
G		~~Annually~~	~~32510~~	~~33883~~	~~35318~~	~~36899~~			
H	~~3~~	~~Hourly~~	~~16.38~~	~~17.11~~	~~17.87~~	~~18.63~~			
I		~~Annually~~	~~34070~~	~~35588~~	~~37169~~	~~38750~~			
J	~~4~~	~~Hourly~~	~~17.19~~	~~17.96~~	~~18.83~~	~~19.64~~			
K		~~Annually~~	~~35755~~	~~37356~~	~~39166~~	~~40851~~			
L	~~5~~	~~Hourly~~	~~18.04~~	~~18.86~~	~~19.64~~	~~20.51~~			
M		~~Annually~~	~~37523~~	~~39228~~	~~40851~~	~~42660~~			
N	~~6~~	~~Hourly~~	~~19.00~~	~~19.80~~	~~20.65~~	~~21.51~~			
O		~~Annually~~	~~39520~~	~~41184~~	~~42952~~	~~44740~~			

P	~~7~~	~~Hourly~~	~~20.17~~	~~20.92~~	~~21.79~~	~~22.55~~	~~23.41~~				
Q		~~Annually~~	~~41953~~	~~43513~~	~~45323~~	~~46904~~	~~48692~~				
R	~~8~~	~~Hourly~~	~~21.33~~	~~22.28~~	~~23.24~~	~~24.29~~	~~25.43~~				
S		~~Annually~~	~~44366~~	~~46342~~	~~48339~~	~~50523~~	~~52894~~				
T	~~9~~	~~Hourly~~	~~22.75~~	~~23.94~~	~~25.11~~	~~26.37~~	~~27.70~~				
U		~~Annually~~	~~47320~~	~~49795~~	~~52228~~	~~54849~~	~~57616~~				
V	~~10~~	~~Hourly~~	~~24.53~~	~~25.89~~	~~27.28~~	~~28.86~~	~~30.39~~				
W		~~Annually~~	~~51022~~	~~53851~~	~~56742~~	~~60028~~	~~63211~~				
X	~~11~~	~~Hourly~~	~~26.74~~	~~28.28~~	~~29.92~~	~~31.61~~	~~33.40~~				
Y		~~Annually~~	~~55619~~	~~58822~~	~~62233~~	~~65748~~	~~69472~~				
Z	~~12~~	~~Hourly~~	~~29.49~~	~~31.15~~	~~32.82~~	~~34.63~~	~~36.55~~	~~38.55~~	~~40.12~~	~~42.01~~	
AA		~~Annually~~	~~61339~~	~~64792~~	~~68265~~	~~72030~~	~~76024~~	~~80184~~	~~83449~~	~~87380~~	
AB	~~13~~	~~Hourly~~	~~32.51~~	~~34.29~~	~~36.16~~	~~38.11~~	~~40.26~~	~~42.43~~	~~44.17~~	~~46.25~~	
AC		~~Annually~~	~~67620~~	~~71323~~	~~75212~~	~~79268~~	~~83740~~	~~88254~~	~~91873~~	~~96200~~	
AD	~~14~~	~~Hourly~~	~~35.74~~	~~37.78~~	~~39.81~~	~~41.97~~	~~44.34~~	~~46.81~~	~~48.75~~	~~51.03~~	
AE		~~Annually~~	~~74339~~	~~78582~~	~~82804~~	~~87297~~	~~92227~~	~~97364~~	~~101400~~	~~106142~~	
AF	~~15~~	~~Hourly~~	~~39.27~~	~~41.48~~	~~43.82~~	~~46.23~~	~~48.79~~	~~51.47~~	~~53.58~~	~~56.10~~	
AG		~~Annually~~	~~81681~~	~~86278~~	~~91145~~	~~96158~~	~~101483~~	~~107057~~	~~111446~~	~~116688~~	

AH	~~16~~	~~Hourly~~	~~43.29~~	~~45.70~~	~~48.21~~	~~50.92~~	~~53.71~~	~~56.79~~	~~59.12~~	~~61.89~~
AI		~~Annually~~	~~90043~~	~~95056~~	~~100276~~	~~105913~~	~~111716~~	~~118123~~	~~122969~~	~~128731~~
AJ	~~17~~	~~Hourly~~	~~47.70~~	~~50.33~~	~~53.15~~	~~56.08~~	~~59.23~~	~~62.53~~	~~65.97~~	
AK		~~Annually~~	~~99216~~	~~104686~~	~~110552~~	~~116646~~	~~123198~~	~~130062~~	~~137217~~	
AL	~~18~~	~~Hourly~~	~~52.57~~	~~55.48~~	~~58.61~~	~~61.83~~	~~65.25~~	~~68.90~~		
AM		~~Annually~~	~~109345~~	~~115398~~	~~121908~~	~~128606~~	~~135720~~	~~143312~~		
AN	~~19~~	~~Hourly~~	~~57.83~~	~~61.03~~	~~64.47~~	~~68.01~~	~~71.78~~	~~75.79~~		
AO		~~Annually~~	~~120286~~	~~126942~~	~~134097~~	~~141460~~	~~149302~~	~~157643~~		

~~Schedule E-2~~

1	2	3	4
A	~~Range~~	~~Minimum~~	~~Maximum~~
B	~~41~~	~~Hourly~~	~~16.23~~	~~51.97~~
C		~~Annually~~	~~33758~~	~~108097~~
D	~~42~~	~~Hourly~~	~~17.89~~	~~57.38~~
E		~~Annually~~	~~37211~~	~~119350~~
F	~~43~~	~~Hourly~~	~~19.70~~	~~63.19~~
G		~~Annually~~	~~40976~~	~~131435~~
H	~~44~~	~~Hourly~~	~~21.73~~	~~69.04~~

I		~~Annually~~	~~45198~~	~~143603~~
J	~~45~~	~~Hourly~~	~~24.01~~	~~75.38~~
K		~~Annually~~	~~49941~~	~~156790~~
L	~~46~~	~~Hourly~~	~~26.43~~	~~82.38~~
M		~~Annually~~	~~54974~~	~~171350~~
N	~~47~~	~~Hourly~~	~~29.14~~	~~89.91~~
O		~~Annually~~	~~60611~~	~~187012~~
P	~~48~~	~~Hourly~~	~~32.14~~	~~98.08~~
Q		~~Annually~~	~~66851~~	~~204006~~
R	~~49~~	~~Hourly~~	~~35.44~~	~~105.90~~
S		~~Annually~~	~~73715~~	~~220272~~

(B) As soon as possible after the effective date of this amendment, the director of administrative services, in consultation with the director of budget and management, shall create pay schedules E-1 and E-2. In the schedules, the director of administrative services shall create pay ranges and assign an hourly wage, annual salary, or both to each value within a pay range. The director shall report the schedules to the controlling board and publish the schedules.

The director of administrative services, in consultation with the director of budget and management, may periodically revise pay schedules E-1 and E-2. The director of administrative services shall report revisions to the controlling board and

publish the revised schedules.

The director of administrative services shall assign each classification identified in the job classification plan established under division (A) of section 124.14 of the Revised Code to a pay range in pay schedules E-1 or E-2 created under this section.

(C) As used in this section:

(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. "Exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

(2) "Base rate of pay" means the rate of pay established under schedule E-1 ~~of~~ created by the director of administrative services under this section, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law that are added to schedule E-1 ~~of~~ created by the director under this section.

~~(D) Notwithstanding any division of this section to the contrary, or division (E) or (G) of section 124.15 of the Revised Code with respect to requirements for step placement and advancement, no exempt employee other than a captain or equivalent officer in the state highway patrol shall be placed~~

~~in step value 7 in range 17 of schedule E-1 of division (B)(3) of this section.~~

Sec. 124.17. The director of administrative services may institute an employee awards system designed to encourage all state employees to submit suggestions that will reduce the costs, or improve the quality, of state services. Employee awards granted under the system may be either monetary or nonmonetary. The director shall provide, by rule, reasonable standards for determining the amount, not to exceed five thousand dollars per employee, of any cash award, and for determining the value of any nonmonetary award, that may be given for a suggestion. The department of administrative services shall review each adopted suggestion and determine the amount or type of award, if any, to be given.

In addition to the employees award system, the director may establish a program for the recognition of exemplary performance of employees paid in accordance with the schedules created under section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code. The program may include, but is not limited to, cash awards, additional leave, or other provisions as the director considers appropriate, and the director shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the administration of the program.

Sec. 124.181. (A) Except as provided in divisions (M) and (P) of this section, any employee paid in accordance with schedule B of section 124.15 of the Revised Code or schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code is eligible for the pay supplements provided in this section upon application by the appointing

authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B)(1) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule B of section 124.15 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(2) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in ~~that section~~the schedule, in which the employee is assigned at the time of computation.

(C) ~~The~~ Unless otherwise provided in this section, the effective date of any pay supplement~~, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section,~~ shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1

created by the director of administrative services under section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class or grade. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

(2) An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary

adjustment provided under this division.

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code, a special hazard salary adjustment may be

granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

(G) When a full-time employee whose salary or wage is paid

directly by warrant of the director of budget and management and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

(H) When a certain position or positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages, or to retain qualified bilingual employees. The bilingual pay supplement provided in this division may be granted in the amount of five per cent of the employee's classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director of administrative services may establish a shift differential for employees. The differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be

covered by this division.

(J) An appointing authority may assign an employee to work in a higher level position for a continuous period of more than two weeks but no more than two years. The employee's pay shall be established at a rate that is approximately four per cent above the employee's current base rate for the period the employee occupies the position, provided that this temporary assignment is approved by the director. Employees paid under this division shall continue to receive any of the pay supplements due them under other divisions of this section based on the step one base rate for their normal classification.

(K) If a certain position, or positions, within a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to have special technical certification, registration, or licensing to perform the functions which are under the mandate, a special professional achievement pay supplement may be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require a license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

(1) Before this supplement may be applied, evidence as to

the requirement must be provided by the agency for each position involved, and certification must be received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided in this division shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the

employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(2) The director of administrative services may approve supplementary compensation for the director of health, if the director is a licensed physician, in accordance with a supplementary compensation schedule approved under division (M)(1) of this section or in accordance with another supplementary compensation schedule the director of administrative services considers appropriate. The supplementary compensation shall not exceed twenty per cent of the director of health's base rate of

pay.

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 117.42, and 131.02 of the Revised Code, the state shall not institute any civil action to recover and shall not seek reimbursement for overpayments made in violation of division (E) of this section or division (C) of section 9.44 of the Revised Code for the period starting after June 24, 1987, and ending on October 31, 1993.

(O) Employees of the office of the treasurer of state who are exempt from collective bargaining coverage may be granted a merit pay supplement of up to one and one-half per cent of their step rate. The rate at which this supplement is granted shall be based on performance standards established by the treasurer of state. Any supplements granted under this division shall be administered on an annual basis.

(P) Intermittent employees appointed under section 124.30 of the Revised Code are not eligible for the pay supplements provided by this section.

Sec. 124.382. (A) As used in this section and sections 124.383, 124.386, 124.387, and 124.388 of the Revised Code:

(1) "Pay period" means the fourteen-day period of time during which the payroll is accumulated, as determined by the director of administrative services.

(2) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, personal leave, bereavement leave, and administrative leave.

(3) "No pay status" means the conditions under which an employee is ineligible to receive pay and includes, but is not

limited to, leave without pay, leave of absence, and disability leave.

(4) "Disability leave" means the leave granted pursuant to section 124.385 of the Revised Code.

(5) "Full-time permanent employee" means an employee whose regular hours of duty total eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.

(6) "Base rate of pay" means the rate of pay established under schedule B or C of section 124.15 of the Revised Code or under schedule E-1 or schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code, plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code or to schedule E-1 or schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code.

(7) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.

(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be credited with sick leave of three and one-tenth hours for each completed eighty hours of service, excluding overtime hours worked. Sick leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning

statement is available to the employee.

(C) Any sick leave credit provided pursuant to division (B) of this section, remaining as of the last day of the pay period preceding the first paycheck the employee receives in December, shall be converted pursuant to section 124.383 of the Revised Code.

(D) Employees may use sick leave, provided a credit balance is available, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of absence from previously scheduled work in such increments of an hour and at such a compensation rate as the director of administrative services determines. The appointing authority of each employing unit may require an employee to furnish a satisfactory, signed statement to justify the use of sick leave.

If, after having utilized the credit provided by this section, an employee utilizes sick leave that was accumulated prior to November 15, 1981, compensation for such sick leave used shall be at a rate as the director determines.

(E)(1) The previously accumulated sick leave balance of an employee who has been separated from the public service, for which separation payments pursuant to section 124.384 of the Revised Code have not been made, shall be placed to the employee's credit upon the employee's reemployment in the public service, if the reemployment takes place within ten years of the date on which the employee was last terminated from public

service.

(2) The previously accumulated sick leave balance of an employee who has separated from a school district shall be placed to the employee's credit upon the employee's appointment as an unclassified employee of the state department of education and workforce, if all of the following apply:

(a) The employee accumulated the sick leave balance while employed by the school district.

(b) The employee did not receive any separation payments for the sick leave balance.

(c) The employee's employment with the department takes place within ten years after the date on which the employee separated from the school district.

(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave.

(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of employment.

(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave, disability leave, or workers' compensation.

(1) Employees who are in active payroll status on June 18, 2011, shall receive a one-time credit of additional sick leave in the pay period that begins on July 1, 2011. Full-time

employees shall receive the lesser of either a one-time credit of thirty-two hours of additional sick leave or a one-time credit of additional sick leave equivalent to half the hours of personal leave the employee lost during the moratorium established under either division (A) of section 124.386 of the Revised Code or pursuant to a rule of the director of administrative services. Part-time employees shall receive a one-time credit of sixteen hours of additional sick leave.

(2) Employees who are not in active payroll status due to military leave or an absence taken in accordance with the federal "Family and Medical Leave Act" are eligible to receive the one-time additional sick leave credit.

(3) The one-time additional sick leave credit does not apply to employees of the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general unless the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general participated in the moratorium under division (H) or (I) of section 124.386 of the Revised Code and notifies in writing the director of administrative services on or before June 1, 2011, of the decision to participate in the one-time additional sick leave credit. Written notice under this division shall be signed by the appointing authority for employees of the supreme court, general assembly, or legislative service commission, as the case may be.

Sec. 124.384. (A) Except as otherwise provided in this section, employees whose salaries or wages are paid by warrant of the director of budget and management and who have accumulated sick leave under section 124.38 or 124.382 of the

Revised Code shall be paid for a percentage of their accumulated balances, upon separation for any reason, including death but excluding retirement, at their last base rate of pay at the rate of one hour of pay for every two hours of accumulated balances. An employee who retires in accordance with any retirement plan offered by the state shall be paid upon retirement for each hour of the employee's accumulated sick leave balance at a rate of fifty-five per cent of the employee's last base rate of pay.

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

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

(B) A person initially employed on or after July 5, 1987, by a state agency in which the employees' salaries or wages are paid directly by warrant of the director of budget and management shall receive payment under this section only for sick leave accumulated while employed by state agencies in which the employees' salaries or wages are paid directly by warrant of the director of budget and management. Additionally, a person initially employed on or after July 5, 1987, but before October 1, 2017, by the state department of education and workforce as

an unclassified employee shall receive payment under this section for sick leave placed to the employee's credit under division (E)(2) of section 124.382 of the Revised Code.

(C) For employees paid in accordance with the schedules created under section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, the director of administrative services, with the approval of the director of budget and management, may establish a plan for early payment of accrued sick leave and vacation leave.

Sec. 124.385. (A) An employee is eligible for disability leave benefits under this section if the employee has completed one year of continuous state service immediately prior to the date of the disability and if any of the following applies:

(1) The employee is a full-time permanent employee and is eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code or is entitled to disability benefits under a collective bargaining agreement.

(2) The employee is a part-time permanent employee who has worked at least fifteen hundred hours within the twelve-month period immediately preceding the date of disability and is eligible for sick leave credit under division (B) of section 124.382 of the Revised Code.

(3) The employee is a full-time permanent or part-time permanent employee, is on disability leave or leave of absence for medical reasons, and would be eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code except that the employee is in no pay status due to the employee's medical condition.

(B) The director of administrative services~~, by rule adopted in accordance with Chapter 119. of the Revised Code,~~ shall adopt a rule to establish a disability leave program. The rule shall include, but shall not be limited to, the following:

(1) Procedures to be followed for determining disability;

(2) Provisions for the allowance of disability leave due to illness, condition, or injury;

(3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as provided by the applicable statute;

(4) The establishment of a minimum level of benefit and of a waiting period before benefits begin;

(5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. This supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code.

(6) Provisions that allow employees to utilize available sick leave, personal leave, compensatory time, or vacation leave

balances to supplement the benefits payable under this section. The balances used to supplement the benefits, plus any amount contributed by the state ~~as provided in division (D) of this section~~, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability.

(7) Procedures for appealing denial of payment of a claim~~, including the following:~~

~~(a) A maximum of thirty days to file an appeal by the employee;~~

~~(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;~~

~~(c) A maximum of thirty days for the third party to render an opinion.~~

~~(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time~~;

~~(9)~~ (8) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan~~;~~

~~(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner~~.

(C) ~~Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections~~ The

adjudication hearing requirements prescribed in Chapter 119. of the Revised Code do not apply to the procedures for appealing denial of payment of a claim that the director adopts by rule under division (B)(7) of this section.

(D) While an employee is on an approved disability leave, the employee shall be responsible for paying the employee's share of retirement contributions and the employer's share shall be paid by the state.

(E) ~~The approval for disability leave shall be made by the director, upon recommendation by the appointing authority. The director may delegate to any appointing authority the authority to approve disability benefits for a standard recovery period.~~

~~(F)~~ If a request for disability leave is denied based on a medical determination, the director shall obtain a medical opinion from a third party. The decision of the third party is binding.

~~(G)~~(F) The rule adopted by the director under division (B) of this section shall not deny disability leave benefits for an illness or injury to an employee who is a veteran of the United States armed forces because the employee contracted the illness or received the injury in the course of or as a result of military service and the illness or injury is or may be covered by a compensation plan administered by the United States department of veterans affairs.

Sec. 124.386. (A) Each full-time permanent employee paid in accordance with the schedules created under section 124.152 of the Revised Code and those full-time permanent employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code shall be credited with thirty-two hours of personal

leave each year. Each part-time permanent employee paid in accordance with the schedules created under section 124.152 of the Revised Code and those part-time permanent employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code shall receive a pro-rated personal leave credit as determined by rule of the director of administrative services. The credit shall be made to each eligible employee in the first pay the employee receives in December. Employees, upon giving reasonable notice to the responsible administrative officer of the appointing authority, may use personal leave for absence due to mandatory court appearances, legal or business matters, family emergencies, unusual family obligations, medical appointments, weddings, religious holidays not listed in section 124.19 of the Revised Code, or any other matter of a personal nature. Personal leave may not be used on a holiday when an employee is scheduled to work.

Personal leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

There shall be a moratorium on personal leave accrual beginning with the credit employees would have received in December 2009, except as otherwise provided in divisions (H)(1) and (2) of this section. Personal leave accrual shall resume with employees receiving credit in December 2011 and there shall be no retroactive grant of credit for the period the moratorium was in effect.

(B) When personal leave is used by an employee of either house of the general assembly or an employee of a legislative agency, it shall be deducted from the unused balance of the employee's personal leave in the manner prescribed by the

employee's administrative authority. When personal leave is used by an employee described in division (A) of this section who is not an employee of either house of the general assembly or of a legislative agency, it shall be deducted from the unused balance of the employee's personal leave on the basis of absence in such increments of an hour as the director of administrative services determines. Compensation for personal leave shall be equal to the employee's base rate of pay.

(C) A newly appointed full-time permanent employee or a non-full-time employee who receives a full-time permanent appointment shall be credited with personal leave of thirty-two hours, less one and two-tenths hours for each pay period that has elapsed following the first paycheck the employee receives in December, until the first day of the pay period during which the appointment was effective.

(D) The director of administrative services shall allow employees to elect one of the following options with respect to the unused balance of personal leave:

(1) Carry forward the balance. The maximum credit that shall be available to an employee at any one time is forty hours.

(2) Convert the balance to accumulated sick leave, to be used in the manner provided by section 124.382 of the Revised Code;

(3) Receive a cash benefit. The cash benefit shall equal one hour of the employee's base rate of pay for every hour of unused credit that is converted. An employee serving in a temporary work level who elects to convert unused personal leave to cash shall do so at the base rate of pay of the employee's

normal classification. Such cash benefit shall not be subject to contributions to any of the retirement systems, either by the employee or the employer.

There shall be a moratorium on the payment for conversion of unused personal leave until December 2011, except as otherwise provided in divisions (H)(1) and (2) of this section.

(E) A full-time permanent employee who separates from state service or becomes ineligible to be credited with leave under this section shall receive a reduction of personal leave credit of one and two-tenths hours for each pay period that remains beginning with the first pay period following the date of separation or the effective date of the employee's ineligibility until the pay period preceding the next base pay period. After calculation of the reduction of an employee's personal leave credit, the employee is entitled to compensation for any remaining personal leave credit at the employee's current base rate of pay. If the reduction results in a number of hours less than zero, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee, or from the cash conversion value of any vacation or sick leave that remains credited to the employee. An employee serving in a temporary work level who is eligible to receive compensation under this section shall be compensated at the base rate of pay of the employee's normal classification.

(F) An employee who transfers from one public agency to another public agency in which the employee is eligible for the credit provided under this section shall be credited with the unused balance of personal leave.

(G) The director of administrative services shall

establish procedures to uniformly administer this section. No personal leave may be granted to a state employee upon or after retirement or termination of employment.

(H)(1) The moratoria imposed under divisions (A) and (D)(3) of this section shall apply to employees of the secretary of state, auditor of state, treasurer of state, and attorney general who are subject to this section unless the secretary of state, auditor of state, treasurer of state, or attorney general decides to exempt the office's employees from the moratoria and so notifies the director of administrative services in writing on or before November 1, 2009.

(2) The moratoria imposed under divisions (A) and (D)(3) of this section do not apply to employees of the supreme court, the general assembly, and the legislative service commission who are subject to this section, unless the supreme court, general assembly, or legislative service commission decides to include those employees in the moratoria and so notifies the director of administrative services in writing on or before November 1, 2009. Written notice shall be signed by the appointing authority for employees of the supreme court, general assembly, or legislative service commission as the case may be.

Sec. 124.81. (A) Except as provided in division (F) of this section, the department of administrative services in consultation with the superintendent of insurance shall negotiate with and, in accordance with the competitive selection procedures of Chapter 125. of the Revised Code, contract with one or more insurance companies authorized to do business in this state, for the issuance of one of the following:

(1) A policy of group life insurance covering all state employees who are paid directly by warrant of the director of

budget and management, including elected state officials;

(2) A combined policy, or coordinated policies of one or more insurance companies or health insuring corporations in combination with one or more insurance companies providing group life and health, medical, hospital, dental, or surgical insurance, or any combination thereof, covering all such employees;

(3) A policy that may include, but is not limited to, hospitalization, surgical, major medical, dental, vision, and medical care, disability, hearing aids, prescription drugs, group life, life, sickness, and accident insurance, group legal services, or a combination of the above benefits for some or all of the employees paid in accordance with the schedules created under section 124.152 of the Revised Code and for some or all of the employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, and their immediate dependents.

(B) The department of administrative services in consultation with the superintendent of insurance shall negotiate with and, in accordance with the competitive selection procedures of Chapter 125. of the Revised Code, contract with one or more insurance companies authorized to do business in this state, for the issuance of a policy of group life insurance covering all municipal and county court judges. The amount of such coverage shall be an amount equal to the aggregate salary set forth for each municipal court judge in sections 141.04 and 1901.11 of the Revised Code, and set forth for each county court judge in sections 141.04 and 1907.16 of the Revised Code.

(C) If a state employee uses all accumulated sick leave and then goes on an extended medical disability, the policyholder shall continue at no cost to the employee the

coverage of the group life insurance for such employee for the period of such extended leave, but not beyond three years.

(D) If a state employee insured under a group life insurance policy as provided in division (A) of this section is laid off pursuant to section 124.32 of the Revised Code, such employee by request to the policyholder, made no later than the effective date of the layoff, may elect to continue the employee's group life insurance for the one-year period through which the employee may be considered to be on laid-off status by paying the policyholder through payroll deduction or otherwise twelve times the monthly premium computed at the existing average rate for the group life case for the amount of the employee's insurance thereunder at the time of the employee's layoff. The policyholder shall pay the premiums to the insurance company at the time of the next regular monthly premium payment for the actively insured employees and furnish the company appropriate data as to such laid-off employees. At the time an employee receives written notice of a layoff, the policyholder shall also give such employee written notice of the opportunity to continue group life insurance in accordance with this division. When such laid-off employee is reinstated for active work before the end of the one-year period, the employee shall be reclassified as insured again as an active employee under the group and appropriate refunds for the number of full months of unearned premium payment shall be made by the policyholder.

(E) This section does not affect the conversion rights of an insured employee when the employee's group insurance terminates under the policy.

(F) Notwithstanding division (A) of this section, the department may provide benefits equivalent to those that may be

paid under a policy issued by an insurance company, or the department may, to comply with a collectively bargained contract, enter into an agreement with a jointly administered trust fund which receives contributions pursuant to a collective bargaining agreement entered into between this state, or any of its political subdivisions, and any collective bargaining representative of the employees of this state or any political subdivision for the purpose of providing for self-insurance of all risk in the provision of fringe benefits similar to those that may be paid pursuant to division (A) of this section, and the jointly administered trust fund may provide through the self-insurance method specific fringe benefits as authorized by the rules of the board of trustees of the jointly administered trust fund. Amounts from the fund may be used to pay direct and indirect costs that are attributable to consultants or a third-party administrator and that are necessary to administer this section. Benefits provided under this section include, but are not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination of the above benefits, for the employees and their immediate dependents.

(G) Notwithstanding any other provision of the Revised Code, any public employer, including the state, and any of its political subdivisions, including, but not limited to, any county, county hospital, municipal corporation, township, park district, school district, state institution of higher education, public or special district, state agency, authority, commission, or board, or any other branch of public employment, and any collective bargaining representative of employees of the

state or any political subdivision may agree in a collective bargaining agreement that any mutually agreed fringe benefit including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination thereof, for employees and their dependents be provided through a mutually agreed upon contribution to a jointly administered trust fund. Amounts from the fund may be used to pay direct and indirect costs that are attributable to consultants or a third-party administrator and that are necessary to administer this section. The amount, type, and structure of fringe benefits provided under this division is subject to the determination of the board of trustees of the jointly administered trust fund. Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this division through a jointly administered trust fund.

Sec. 125.01. As used in this chapter:

(A) "Advertising" includes advertising in print or electronic newspapers, journals, or magazines and advertising broadcast over radio or television or placed on the internet.

(B) "Buy Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in this state or a state bordering Ohio where the input of Buy Ohio products, labor, skill, or other services constitutes not less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state or a state bordering Ohio. "Buy Ohio products" includes any product that includes semiconductors produced by a

company with a significant Ohio economic presence.

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

(D) "Community rehabilitation program" means an agency meeting all of the following requirements:

(1) Organized under the laws of the United States or this state such that no part of its net income inures to the benefit of any shareholder or other individual;

(2) Certified as a sheltered workshop, if applicable, by the wage and hour division of the United States department of labor;

(3) Registered and in good standing with the secretary of state as a domestic nonprofit corporation;

(4) Complies with applicable occupational health and safety standards required by the laws of the United States or of this state;

(5) Operates in the interest of persons with work-limiting disabilities, provides vocational or other employment-related training to persons with work-limiting disabilities, and employs persons with work-limiting disabilities in the manufacture of products or the provision of services;

(6) Is a nonprofit corporation for federal tax purposes.

(E) "Competitive selection" means any of the following procedures for making purchases:

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

(2) Competitive sealed proposals under section 125.071 of

the Revised Code;

(3) Reverse auctions under section 125.072 of the Revised Code;

(4) Electronic procurement under section 125.073 of the Revised Code.

(F) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code.

(G) "Emergency" has the same meaning as in section 5502.21 of the Revised Code.

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

(I) "Goods" means anything that can be purchased that is not a service or real property.

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

(K) "Government ordering office" means any state agency, excluding those listed in division (A) of section 125.02 of the Revised Code, or any political subdivision described in division (B) of section 125.04 of the Revised Code.

(L) "Invoice" means an itemized listing showing delivery of the goods or performance of the services described in the order including all of the following:

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

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

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

(M) "Military goods or services" means goods or services provided through the supply chain of any branch of the United States military that are necessary for executing an assigned mission, including arms, ordnance, equipment, and all other military property issued to the state by the federal government. "Military goods or services" does not include any of the following:

(1) Real property;

(2) Construction of, or improvements or alterations to, public works as required by Chapter 153. of the Revised Code;

(3) Goods or services that state agencies can purchase from requisite procurement programs as prescribed by section 125.035 of the Revised Code, through competitive selection as prescribed by sections 125.05 and 127.16 of the Revised Code, or through direct purchasing authority.

(N) "Ohio-based personal protective equipment manufacturer" means a manufacturer, at least two-thirds of the beneficial ownership of which is vested in residents of this state, that produces personal protective equipment in this state.

~~(A)~~ (O) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the ~~property or supplies~~ goods to be purchased or ~~service~~ services to be performed, other than ~~a service~~ services

performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a proper invoice.

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

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

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

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

~~(C) "Products" means materials, supplies, merchandise, goods, wares, and foodstuffs.~~

~~(D)~~ (P) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(Q) "Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

(R) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has

been approved by the department of administrative services to participate in the department's contracts.

(S) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

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

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

~~(F)~~ (U) "Products" means materials, supplies, merchandise, goods, wares, and foodstuffs.

(V) "Purchase" means to buy, rent, lease, lease purchase, or otherwise acquire ~~supplies~~ goods or services. "Purchase" also includes all functions that pertain to ~~the~~ obtaining ~~of supplies~~ goods or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, all phases of contract administration, ~~and~~ receipt and acceptance of the ~~supplies~~ goods and services and ~~payment for them~~financial consideration for the goods and services by either a state agency or a third-party.

(W) "Real property" means land or anything that is erected on or affixed to land, or below the surface, excluding infrastructure. Major classifications of real property are land, land improvements, and buildings.

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

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

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

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

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

~~(3) Reverse auctions under section 125.072 of the Revised Code;~~

~~(4) Electronic procurement under section 125.073 of the Revised Code.~~

~~(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code~~

(Y) "State award" means a contract awarded by the state costing over twenty-five thousand dollars. "State award" does

not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.

(Z) "State contract" means a contract for the purchase of goods or services awarded by the department of administrative services.

(AA) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(BB) "State official" means an official elected to a statewide office or a member of the general assembly.

(CC) "State procurement emergency" means a situation in which the normal functioning of one or more state government agencies is threatened, creating any of the following:

(1) An immediate and serious need for goods or services that cannot be met through purchasing methods required by Chapter 125. of the Revised Code;

(2) A threat to public health, safety, or welfare;

(3) Threats to the preservation or protection of property.

Sec. 125.02. (A) The department of administrative services shall establish state contracts ~~for supplies and~~ to purchase goods or services~~, including telephone, other telecommunications, and computer services,~~ for ~~the~~ use ~~of~~ by the department and state agencies, and may establish such contracts for ~~the~~ use ~~of~~ by any ~~political subdivision as~~ entity described in division (B) of section 125.04 of the Revised Code, except

for the following:

(1) The adjutant general for military ~~supplies and~~ goods or services;

(2) The general assembly;

(3) The judicial branch;

(4) State institutions of higher education;

(5) State elected officials as set forth in section 125.041 of the Revised Code;

(6) The capitol square review and advisory board.

The entities set forth in divisions (A)(1) to (6) of this section may request the ~~department of administrative services'~~ department's assistance in ~~the procurement of supplies and~~ purchasing goods or services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.

(B) For purchases under division ~~(C)~~(D) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase.

(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services.

(D) The director of administrative services shall adopt rules under Chapter 119. of the Revised Code regarding

circumstances and criteria for obtaining a release and permit under this section. The rules adopted by the director ~~of administrative services~~ also shall prescribe uniform ~~rules governing~~ forms of specifications, advertisements for bids and proposals, the opening of bids and proposals, the making of awards and contracts, ~~and~~ the purchase of ~~supplies~~ goods or services, and the performance of work.

(E) The director may participate in cooperative purchasing with the following:

(1) The entities set forth in divisions (A)(1) to (6) of this section;

(2) One or more other states;

(3) Groups of states;

(4) The United States or any department, division, or agency of the United States;

(5) Other purchasing consortia;

(6) The department of transportation; or

(7) Any ~~political subdivision~~ entity of this state described in division (B) of section 125.04 of the Revised Code.

(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase ~~supplies and~~ goods or services from contracts established by the department ~~of administrative services~~.

(G) Except as provided in section 125.04 of the Revised

Code, the department ~~of administrative services~~ shall purchase any policy of insurance, including a surety or fidelity bond, covering officers or employees of a state agency, for which the annual premium is more than one thousand dollars and which the state may procure. The department shall purchase the insurance in conformity with sections 125.04 to 125.15 of the Revised Code. As used in this division, "annual premium" means the total premium for one year for one type of insurance regardless of the number of policies.

(H) At its discretion, the department may amend, renew, cancel, or terminate any state contract when it is in the best interest of the state.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, ~~a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to~~ before making a purchase, a state agency shall determine if the needed goods or services can be acquired from a first requisite or a second requisite procurement program. ~~State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.~~

~~(B) The following programs are first~~ (1) First requisite procurement programs ~~that shall be given preference in the~~

~~following order in fulfilling a purchase request~~are the following:

~~(1)~~(a) Ohio penal industries ~~within~~ administered by the department of rehabilitation and correction;

~~(2)~~(b) Community rehabilitation ~~programs~~ program administered ~~by the department of administrative services~~ under ~~sections~~ section 125.601 ~~to 125.6012~~ of the Revised Code;

~~(3)~~(c) Ohio-based personal protective equipment manufacturers program ~~established by the director of administrative services~~ administered under ~~section 125.036~~ Chapter 125. of the Revised Code.

~~(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so~~(2) If the needed goods or services are available from more than one first requisite procurement program, preference shall be given in the following order:

(a) Ohio penal industries;

(b) Community rehabilitation programs;

(c) Ohio-based personal protective equipment manufacturers program.

(3) If the needed goods or services cannot be provided by a first requisite procurement program, a state agency shall determine if the goods or services are available from any of the second requisite procurement programs, which are the following:

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

~~(2) Office~~ (b) The department of administrative services office of information technology~~ at the department of administrative services~~ as ~~established~~ prescribed in section 125.18 of the Revised Code;

~~(3) Office~~ (c) The department of administrative services office of state printing and mail services~~ at the department of administrative services~~ as prescribed in Chapter 125. of the Revised Code;

~~(4)~~ (d) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;

~~(5)~~ (e) The Ohio facilities construction commission established in section 123.20 of the Revised Code;~~ and~~

~~(6)~~ (f) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.

~~(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:~~

~~(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;~~

~~(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections~~

~~125.609 or 5147.07 of the Revised Code; or~~

~~(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.~~

~~(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.~~

~~(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time~~(B) When requisite procurement programs receive a purchase request, the ~~requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section, division (F) of section 125.05, and section 127.16 of the Revised Code.~~ requisite procurement programs shall determine if the requisite

procurement programs can provide the requested goods or services. In making this determination, the requisite procurement programs shall do one of the following:

(1) Direct the requesting state agency to obtain the requested goods or services through the proper requisite procurement program;

(2) Provide the requesting state agency with a waiver from the use of the applicable requisite procurement program within five business days, or allow the time to lapse, whereupon the department of administrative services shall issue a waiver to the requesting state agency.

~~(G) As~~ (C) Upon receiving a waiver, the requesting state agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (D) of this section, division (G) of section 125.05, and section 127.16 of the Revised Code.

(D) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to ~~the agency~~ a state agency to ~~secure supplies~~ purchase goods or services. A release and permit shall specify the ~~supplies~~ goods or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. The ~~director~~ department may issue a release and permit for the purchase of personal protective

equipment from a foreign personal protective equipment manufacturer, if purchasing from an Ohio-based personal protective equipment manufacturer would result in the state agency paying a price that is one hundred twenty per cent or higher than the price that is available from the foreign supplier. No requesting agency shall proceed with such purchase until it has received an approved release and permit ~~from the director of administrative services or the director's designee~~.

Sec. 125.036. ~~(A) As used in this section:~~

~~"Ohio-based personal protective equipment manufacturer" means a manufacturer, at least two-thirds of the beneficial ownership of which is vested in residents of this state, that produces personal protective equipment in this state.~~

~~"Personal protective equipment" has the meaning defined in division (E) of section 125.05 of the Revised Code.~~

~~(B)~~ The director of administrative services shall establish and maintain an Ohio-based personal protective equipment manufacturers program. Under the program, the director shall establish and maintain a list of Ohio-based personal protective equipment manufacturers qualified to fulfill a purchase request under division ~~(B)(3)~~ (A)(1)(c) of section 125.035 of the Revised Code.

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

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

~~(a) "Chartered nonpublic school" has the same meaning as~~

~~in section 3310.01 of the Revised Code.~~

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

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

~~(d) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.~~

~~(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.~~

~~(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.~~

~~(2)~~ (B) Subject to division ~~(C)~~(F) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in state contracts~~ into which the department has~~

~~entered for the purchase of supplies and services~~. With respect to such participation, all of the following apply:

(1) The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in ~~such~~ a ~~purchase~~ state contract.

(2) A political subdivision desiring to participate in ~~such purchase~~ state contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in ~~such~~ state contracts and shall agree that the political subdivision will be bound by ~~such~~ the terms and conditions of the contract as prescribed by the department ~~prescribes~~, and that it will directly pay the ~~vendor under each purchase contract~~supplier providing goods or services under the contract.

(3) A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in ~~such purchase~~ state contracts shall file with the department a written request for inclusion in the program signed by the chief officer of the company, organization, or chartered nonpublic school.

(4) A governmental agency desiring to participate in ~~such purchase~~ state contracts shall file with the department a written request for inclusion in the program. A state institution of higher education desiring to participate in ~~such purchase~~ state contracts shall file with the department a certified copy of resolution of the board of trustees or similar authorizing body. The resolution shall request that the state

institution of higher education be authorized to participate in ~~such~~ state contracts.

(5) A request for inclusion shall include an agreement to be bound by such terms and conditions as the department prescribes and to make direct payments to the vendor under each ~~purchase~~ state contract.

~~(3)~~(C) The board of elections of a county that is authorized to participate in state contracts under division ~~(B)(2)~~(B) of this section may participate in contracts under that division under the same terms and conditions that apply to the county.

~~(4) The department shall include in its annual report, an estimate of the purchases made by state institutions of higher education, governmental agencies, political subdivisions, boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools from contracts pursuant to this division.~~(D) The department may require ~~such entities~~ state institutions of higher education, governmental agencies, political subdivisions, boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools to file a report with the department, as often as it finds necessary, stating how many ~~such~~ state contracts the entities participated in within a specified period of time, and any other information the department requires.

~~(5)~~(E) Purchases made by a political subdivision or a board of elections under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the

subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under division ~~(B)(2)~~ (B) of this section.

~~(C)~~ (F) A political subdivision ~~as defined in division (B) of this section~~ or a board of elections may purchase ~~supplies~~ goods or services from another party, including a political subdivision, instead of through participation in ~~contracts described in division (B) of this section~~ a state contract if the political subdivision or board of elections can purchase those ~~supplies~~ goods or services from the other party upon equivalent terms, conditions, and specifications but at a lower price ~~than it can through those contracts.~~, and both of the following apply:

(1) Purchases that a political subdivision or board of elections makes under this division are exempt from any competitive selection procedures otherwise required by law.

(2) A political subdivision or board of elections that makes any purchase under this division shall maintain sufficient information regarding the purchase to verify that the political subdivision or board of elections satisfied the conditions for making a purchase under this division.

Nothing in this division restricts any action taken by a county or township as authorized by division (B)(1) of section 9.48 of the Revised Code.

~~(D)~~ (G) This section does not apply to ~~supplies~~ goods or services purchased by a state agency directly as provided in section 125.05 of the Revised Code, or to purchases of ~~supplies~~ goods or services for the emergency management agency or other state agencies as provided in section 125.061 of the Revised

Code.

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 125.831 of the Revised Code shall be construed as limiting the attorney general, auditor of state, secretary of state, or treasurer of state in any of the following:

(1) Purchases for less than the dollar amounts for the purchase of ~~supplies~~ goods or services determined under section 125.05 of the Revised Code;

(2) Purchases that equal or exceed the dollar amounts for the purchase of ~~supplies~~ goods or services determined under section 125.05 of the Revised Code with the approval of the controlling board, if that approval is required by section 127.16 of the Revised Code;

(3) The final determination of the nature or quantity of any purchase of ~~supplies~~ goods or services under division (B) of section 125.02 or under division ~~(C)~~ (C) of section 125.035 of the Revised Code;

(4) The final determination and disposal of excess and surplus ~~supplies~~property;

(5) The inventory of state property;

(6) The purchase of printing;

(7) Activities related to information technology development and use;

(8) The fleet management program.

(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of

state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.

Sec. 125.05. (A) No state agency shall purchase ~~any supplies~~ goods or services except as provided in this section and section 127.16 of the Revised Code. When exercising direct purchasing authority the agency shall utilize a competitive selection process that complies with all applicable laws, rules, ~~or regulations~~ and policies of the department of administrative services.

~~(A)~~(B) A state agency may, without competitive selection, make any purchase of ~~supplies~~ goods or services that cost less than fifty thousand dollars after complying with divisions (A) to ~~(E)~~(D) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department ~~of administrative services~~, whichever the agency determines. The agency shall adopt written purchasing procedures that are consistent with the department's ~~purchasing procedures and~~ laws, rules, and policies. The agency shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

~~(B)~~(C) A state agency shall make purchases of ~~supplies~~ goods and services that cost fifty thousand dollars or more through the department ~~of administrative services~~ and the process provided in section 125.035 of the Revised Code, unless the department grants the state agency a waiver ~~and~~ or a release and permit under that section.

~~(C) An~~ (D) A state agency that has been granted a release

and permit under section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

(1) Be exceeded and the controlling board approves the purchase;

(2) Not be exceeded and the department ~~of administrative services~~ approves the purchase.

~~(D) An~~ (E) A state agency that has been granted a release and permit under section 125.035 of the Revised Code to make a purchase ~~may~~ shall make the purchase by utilizing the electronic procurement system established by the department ~~of administrative services~~ under section 125.073 of the Revised Code.

~~(E)~~ (F) If the department of education and workforce or the Ohio education computer network determines that it can purchase software goods or services ~~or supplies~~ for specified school districts at a price less than the price for which the districts could purchase the same software goods or services ~~or supplies~~ for themselves, the department or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions ~~(A)~~ (B) to ~~(D)~~ (E) of this section.

~~(F)~~ (G) When the purchase cost of personal protective equipment is less than fifty thousand dollars, a state agency shall comply with section 125.035 of the Revised Code. If the purchase is not subject to the requirements of an applicable

first or second requisite procurement program, the agency shall apply the same preferences in section 125.09 of the Revised Code when making the purchase. ~~As used in this division, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.~~

Sec. 125.051. ~~(A) As used in this section:~~

~~(1) "Advertising" includes advertising in print or electronic newspapers, journals, or magazines and advertising broadcast over radio or television or placed on the internet.~~

~~(2) "State official" means an official elected to a statewide office or a member of the general assembly.~~

~~(B)~~ Any advertising purchased with public money by a state official for the same purpose that, in the aggregate, exceeds fifty thousand dollars during the fiscal year, shall be subject to controlling board approval.

Sec. 125.061. (A) ~~As used in this section:~~

~~(1) "Emergency" has the same meaning as defined in section 5502.21 of the Revised Code.~~

~~(2) "State procurement emergency" means a situation that creates all of the following:~~

~~(a) A threat to public health, safety, or welfare;~~

~~(b) An immediate and serious need for supplies or services that cannot be met through normal procurement methods required by state law; and~~

~~(c) A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person.~~

~~(B)~~ During the period of an emergency, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department ~~of administrative services~~ concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.

~~(C)~~ (B) During the period of a state procurement emergency, the department of administrative services may suspend, for any state agency, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that would otherwise be required of the agency.

(1) The director or administrative head of the state agency where the state procurement emergency exists shall request the department ~~of administrative services~~ to suspend the purchasing and contracting requirements in Chapter 125. of the Revised Code.

(2) The request shall include information detailing the immediacy of the state procurement emergency and a description of the necessary ~~supplies~~ goods or services that cannot be timely purchased through normal procurement methods otherwise

required by state law.

(3) Whenever practical, the agency shall obtain a release and permit from the department of administrative services under section 125.035 of the Revised Code before making purchases under this division.

~~(D)~~ (C) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved by the director to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the director's approval.

~~(E)~~ (D) Purchases made by state agencies under this section are exempt from the requirements of section 127.16 of the Revised Code, except that state agencies making purchases under this section shall file a report with the president of the controlling board describing all such purchases made by the agency during the period covered by the emergency declaration or state procurement emergency. The report shall be filed within ninety days after the declaration or state procurement emergency condition expires.

Sec. 125.07. (A) In accordance with rules the director of administrative services shall adopt under Chapter 119. of the Revised Code, ~~the director of administrative services~~ a state agency may make purchases for goods or services by competitive sealed bid~~. The competitive sealed bid, at~~, and both of the following apply:

(1) At a minimum, a solicitation for a competitive sealed bid shall contain a detailed description of the ~~supplies~~ goods

or services to be purchased, the terms and conditions of the ~~sale~~purchase, instructions concerning submissions of bid responses, and any other information the ~~director~~ department considers ~~to be~~ necessary ~~for the intended purchase~~.

(2) Competitive sealed bids shall be awarded as provided in section 125.11 of the Revised Code.

(B) The department of administrative services, in making a purchase by competitive sealed bid, shall give notice in the following manner:

(1) The department shall advertise the intended purchases by notice posted for the benefit of competing persons producing or dealing in the ~~supplies~~ goods or services to be purchased. The notice may be in any electronic form the director ~~of administrative services~~ considers appropriate to sufficiently notify competing persons of the intended purchases.

(2) The notice required under this division shall include the time and place where bids will be accepted and opened, or, when bids are made in a reverse auction, the time when bids will be accepted; the conditions under which bids will be received; the terms of the proposed purchases; and an itemized list of the ~~supplies~~ goods or services to be purchased and the estimated quantities or amounts of them.

~~(3) The notice required under this division shall be posted the number of days preceding the day when the bids will be opened or accepted that the director determines sufficient to enable interested bidders to prepare their bids~~(C) A state agency purchasing goods or services by competitive sealed bidding shall do so in the manner prescribed by this section and in compliance with all applicable laws, rules, and policies of

the department.

Sec. 125.071. (A) In accordance with rules the director of administrative services shall adopt under Chapter 119. of the Revised Code, ~~the director~~ a state agency may make purchases by competitive sealed proposal ~~whenever the director determines that~~ when the use of competitive sealed bidding is not possible or not advantageous to the state~~.~~, and both of the following apply:

(1) At a minimum, solicitations for competitive sealed proposals shall contain a detailed description of the goods or services to be purchased, the terms and conditions of the purchase, instructions concerning submission of proposals, and any other information prescribed by rules adopted pursuant to this section or that the department of administrative services considers necessary.

(2) Competitive sealed solicitations shall be awarded as provided in section 125.11 of the Revised Code.

(B) Proposals shall be solicited through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. Notice of the request for proposals shall be given in accordance with rules the director shall adopt.

(C) Proposals shall be opened so as to avoid disclosure of contents to competing offerors.

~~In order to ensure fair and impartial evaluation, proposals and related documents submitted in response to a request for proposals are not available for public inspection and copying under section 149.43 of the Revised Code until after the award of the contract.~~

(D) As provided in the request for proposals, and under rules the director shall adopt, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of ensuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding any clarification, correction, or revision of proposals. No disclosure of any information derived from proposals submitted by competing offerors shall occur when discussions are conducted.

(E) ~~Award~~ Awards may be made to the offerors whose proposals are determined to be the most advantageous to this state, taking into consideration factors such as price and the evaluation criteria set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

(F) All proposals shall be submitted through and opened in the electronic procurement system established by the department under section 125.073 of the Revised Code. Proposals received after the due date and time specified in the solicitation shall be considered nonresponsive.

(G) A state agency purchasing goods and services by competitive sealed proposal shall do so in the manner prescribed by this section and in compliance with all applicable laws, rules, and policies of the department.

Sec. 125.072. (A) As used in this section, "reverse auction" means a purchasing process in which ~~offerors~~ prequalified bidders submit bids ~~in competing~~ to sell goods or services ~~or supplies in an open environment via the internet~~with

an award being made to the lowest responsive and responsible bidder.

(B) ~~Whenever the~~ The director of administrative services may purchase goods or services by reverse auction, in accordance with rules the director shall adopt under Chapter 119. of the Revised Code, whenever the director determines that the use of a reverse auction is advantageous to the state~~, the director, in accordance with rules the director shall adopt, may purchase services or supplies by reverse auction~~.

(C) The director, by rule, may authorize a state agency that ~~is~~ has been authorized by the department to purchase goods or services ~~or supplies~~ directly to purchase them by reverse auction in the same manner as this section and the rules adopted under this section authorize the director to do ~~so~~.

Sec. 125.073. (A) The department of administrative services shall actively promote and accelerate the use of electronic procurement, including reverse auctions as defined by section 125.072 of the Revised Code, when exercising its statutory powers.

~~Beginning July 1, 2004, the department shall annually~~ (B) Annually, on or before the first day of July, the department shall provide a report to the committees in each house of the general assembly dealing with finance indicating the effectiveness of electronic procurement.

(C) The department shall establish and maintain a single searchable web site, accessible by the public at no cost, that includes all of the following information for goods or services purchased by the state:

(1) The name of the entity receiving the award;

(2) The anticipated amount of the award;

(3) Information on the award, the agency or other instrumentality of the state that is providing the award, and the commodity code;

(4) Any other relevant information determined by the department.

(D) The department's electronic procurement system may be used to meet the requirements of division (C) of this section. State awards shall be publicly posted within thirty days after being made.

(E) Nothing in this section shall be construed as requiring the disclosure of information that is not a public record under section 149.43 of the Revised Code.

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 125.072 of the Revised Code, the department of administrative services may prescribe such conditions under which competitive sealed bids, competitive sealed proposals, and bids in reverse auctions will be received and terms of the proposed purchase as it considers necessary; provided, that all such conditions and terms shall be reasonable and shall not unreasonably restrict competition, and bidders may bid and offerors may propose upon all or any item of the ~~products~~ goods or services listed in such notice. Those bidders and offerors claiming the preference outlined in this chapter shall designate in their bid or offer whether the product is mined, excavated, produced, manufactured, raised, or grown in the United States and is either a Buy Ohio product or that the product or service is provided by a bidder or offeror that qualifies as having a significant economic presence in the state or a state bordering Ohio, under the rules

established by the director of administrative services, and whether the bidder or offeror is a certified veteran-friendly business enterprise under section 122.925 of the Revised Code.

(B) The director of administrative services shall, by rule adopted pursuant to Chapter 119. of the Revised Code, prescribe criteria and procedures for use by all state agencies in giving preference under this section as required by division (B) of section 125.11 of the Revised Code. The rules shall extend to:

(1) Criteria for determining that a product is mined, excavated, produced, manufactured, raised, or grown in the United States rather than in another country or territory;

(2) Criteria for determining that a product is a Buy Ohio product;

(3) Information to be submitted by bidders or offerors as to the nature of a product and the location where it is mined, excavated, produced, manufactured, raised, or grown;

(4) Criteria and procedures to be used by the director to qualify bidders or offerors located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling ~~products~~ goods or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state

printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders and offerors whose manufactured ~~products~~goods, except for mined products, are produced in other states or in North America, but the bidders or offerors have a significant Ohio economic presence in terms of the number of employees or capital investment a bidder or offeror has in this state. Bidders and offerors with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their ~~products~~ goods were produced in this state or as if the bidder or offeror was domiciled in this state.

(6) Criteria and procedures for the director to grant waivers of the requirements of division (B) of section 125.11 of the Revised Code on a contract-by-contract basis where compliance with those requirements would not be in the best interest of the state or is otherwise prohibited;

(7) Criteria for applying a preference to bids and offers received from a certified veteran-friendly business enterprise;

(8) Such other requirements or procedures reasonably necessary to implement the system of preferences established pursuant to division (B) of section 125.11 of the Revised Code.

In adopting the rules required under this division, the director shall, to the maximum extent possible, conform to the requirements of the federal "Buy American Act," 41 U.S.C. 8301-8305, as amended, and to the regulations adopted thereunder.

Sec. 125.091. (A) As used in this section~~ and sections 125.092 and 125.093 of the Revised Code~~:

~~(A)~~ (1) "Agricultural materials" means agricultural-based materials or residues, including plant, animal, and marine materials or residues, used in the manufacture of commercial or industrial nonfood products.

~~(B)~~ (2) "Biobased product" means a product, other than food or feed, determined by the secretary of the United States ~~secretary~~ department of agriculture (USDA) to be ~~a commercial or industrial product, other than food or feed, that is~~ composed~~, in whole or significant part,~~ of the minimum biobased content as defined by the USDA biopreferred program of biological products, forestry materials, or renewable domestic agricultural materials, ~~or forestry material, or is an intermediate ingredient or feedstock~~including plant, animal, or marine materials.

~~(C)~~ (3) "Biological products" means products derived from living materials other than agricultural or forestry materials.

~~(D)~~ (4) "Designated item" means a ~~generic grouping~~ category of biobased products ~~identified in subpart B, 7 C.F.R. 2902.10 to 2902.42~~designated by the USDA biopreferred program.

~~(E)~~ (5) "Forest thinnings" means woody materials removed from a dense forest to improve growth, enhance forest health, or remove trees to recover potential mortality.

~~(F)~~ (6) "Forestry materials" means materials derived from the practice of planting and caring for forests and the management of growing timber where such materials come from short-rotation woody crops that are less than ten years old, sustainably managed forests, wood residues, or forest thinnings.

~~(G)~~ (7) "Intermediate ingredient or feedstock" means a material or compound made, in whole or in significant part, from

biological products, renewable agricultural materials, or forestry materials that are subsequently used to make a more complex compound or product.

~~(H)~~ (8) "Sustainably managed forests" means the practice of land stewardship that integrates the reforestation, management, growing, nurturing, and harvesting of trees for useful products while conserving soil and improving air and water quality, wildlife, fish habitat, and aesthetics.

(B) The department of administrative services, state agencies, and state institutions of higher education shall purchase biobased products in accordance with this section, sections 125.01 to 125.11 of the Revised Code, and rules established by the director of administrative services in accordance with Chapter 119. of the Revised Code.

(C) Excluding motor vehicle fuel, heating oil, and electricity, to qualify as a biobased product, a product shall be an item designated by the United States department of agriculture as either qualifying for mandatory federal purchasing or being certified through the federal voluntary labeling initiative.

(1) For any biobased product being offered to a state agency or state institution of higher education, a supplier shall provide information to the state agency or state institution of higher education certifying that the product meets one or both requirements of this division.

(2) When purchasing biobased products, a state institution of higher education shall purchase United States department of agriculture designated items in accordance with procedures established by the institution.

(D) By not later than December 30, 2025, the department of administrative services shall prepare and submit to the governor, the president of the senate, and the speaker of the house of representatives an annual report on the effectiveness of the biobased products preference program.

Sec. 125.11. (A) Subject to division (B) of this section, contracts awarded pursuant to a reverse auction under section 125.072 of the Revised Code or pursuant to competitive sealed bidding, including contracts awarded under section 125.081 of the Revised Code, shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code, and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of ~~products~~ goods or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to division (B) of section 125.09 of the Revised Code for determining if a product is mined, excavated, produced, manufactured, raised, or grown in the United States, in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. These requirements shall be applied where sufficient competition can be generated to ensure that compliance with these requirements will be in the best interest of the state unless otherwise prohibited.

(C) In order to ensure fair and impartial evaluation,

materials relating to a solicitation through competitive selection shall not be considered public records under section 149.43 of the Revised Code until after the award of the contract based on the competitive selection. If all bids or proposals received in response to a solicitation through competitive selection are rejected, and notice is provided of an intent to reissue the solicitation through competitive selection, the materials relating to the original solicitation and the materials relating to the reissued solicitation shall not be considered public records under section 149.43 of the Revised Code until after the award of the contract based on the reissued solicitation through competitive selection.

(D) Division (B) of this section applies to contracts for which competitive selection is waived by the controlling board.

~~(D)~~ (E) Division (B) of this section does not apply to the purchase by the division of liquor control of spirituous liquor.

Sec. 125.13. (A) As used in this section:

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

(2) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(B) Whenever a state agency has excess or surplus supplies, it shall notify the director of administrative services. On forms provided by the director, the state agency shall furnish to the director a list of its excess and surplus supplies, including the location of the supplies and whether the supplies are currently in the agency's control.

(C) Upon receipt of notification and at no cost to the state agency, the director of administrative services shall make

arrangements for their disposition and shall take immediate control of a state agency's excess and surplus supplies, except for the following excess and surplus supplies:

(1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division (F) of this section;

(2) Excess or surplus supplies that the director has authorized an agency to donate to a governmental agency, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (G) of this section;

(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;

(4) Hazardous property;

(5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;

(6) Excess or surplus supplies that are donated under division (H) of this section.

(D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.

(E) The director may do any of the following:

(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies

in any of the following manners:

(a) To state agencies or by interagency trade;

(b) To state-supported or state-assisted institutions of higher education;

(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;

(d) To nonpublic elementary and secondary schools chartered by the department of education and workforce under section 3301.16 of the Revised Code;

(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that ~~receives funds from the state or has a contract~~ is registered and in good standing with the secretary of state as a domestic nonprofit or not-for-profit corporation;

(f) To the general public by auction, sealed bid, sale, or negotiation.

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle

furnished to the state highway patrol to a nonprofit organization pursuant to this division.

(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in the director's control as the director determines proper if such supplies cannot be disposed of pursuant to division (E) of this section. The director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its control that have a value below the minimum value established by the director.

(G) The director of administrative services may authorize any state agency to transfer surplus computers and computer equipment that are not needed by other state agencies directly to an accredited public school within the state. The computers and computer equipment may be repaired or refurbished prior to transfer. The state agency may charge a service fee to the public schools for the property not to exceed the direct cost of repairing or refurbishing it. The state agency shall deposit such funds into the account used for repair or refurbishment.

(H) Excess and surplus supplies of food shall be exempt from this section and may be donated directly to nonprofit food pantries and institutions without notification to the director of administrative services.

Sec. 125.18. (A) There is hereby established the office of

information technology within the department of administrative services. The office shall be under the supervision of a state chief information officer to be appointed by the director of administrative services and subject to removal at the pleasure of the director. The chief information officer is an assistant director of administrative services.

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

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

(2) Coordinate with the office of procurement services to establish policies and standards for state agency acquisition of information technology ~~supplies~~ goods and services;

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

(4) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice

regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

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

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

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

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

(9) Establish policies for the reduction of printing and for the increased use of electronic records by state agencies;

(10) Establish policies for the reduction of energy consumption by state agencies;

(11) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases, MARCS administration, and

enterprise applications operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code, and the user fees the department of administrative services charges and deposits in the MARCS administration fund created in section 4501.29 of the Revised Code, the rates the department of administrative services charges to benefiting agencies for the operation and management of information technology applications and deposits in the enterprise applications fund. The enterprise applications fund is hereby created in the state treasury.

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

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

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

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have

prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology ~~supplies~~ goods or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

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

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee under this division applies. Notwithstanding any provision of the Revised Code to the contrary, if a fee is assessed under this section, no agency, board, or commission shall issue a license or registration unless a fee required by this division has been received. The director of administrative services may collect the fee or require a state agency, board, or commission for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in or transferred to the occupational licensing and regulatory fund

created in section 4743.05 or the Revised Code.

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

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

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

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code, the MARCS administration fund created in section 4501.29 of the Revised Code, or the enterprise applications fund created in division (B)(11) of this

section to the major information technology purchases fund in an amount not to exceed the amount computed under division (B)(11) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) As used in this section~~:~~

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

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

Sec. 125.183. (A) As used in this section:

(1) "Covered application" means ~~all of the following:~~

~~(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited;~~

~~(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited;~~

~~(c) Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, Xiao HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu~~any application owned or controlled, directly or indirectly, by an entity identified as a foreign adversary as defined in 15 C.F.R. 791.2.

(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board.

(B) Subject to division (C) of this section, the state chief information officer shall do all of the following:

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease;

(2) Prohibit all of the following on equipment owned or leased by a state agency:

(a) The downloading, installation, or use of a covered application;

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency;

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency.

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section.

(C) Division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so.

Sec. 125.31. (A) The department of administrative services shall have supervision of all public printing except as follows:

(1) Printing for the general assembly shall be the sole responsibility of the clerk of the senate and the clerk of the house of representatives unless the clerk of the senate or the clerk of the house of representatives chooses either of the options specified in section 101.523 or 101.524 of the Revised Code.

(2) Printing for the Ohio arts council shall be under the supervision of the council.

(3) Printing for the capitol square review and advisory board shall be under the supervision of the board.

(4) Printing for state-supported institutions of higher education shall be under the supervision of the department of purchasing of each such institution or the department or officer within each institution that performs the functions of a department of purchasing.

(B) The department of administrative services shall determine, except as otherwise specifically provided by law, the number of copies to be printed of each publication or document, the source of reproduction, the manner of binding, quality of

paper, the general kind, size, and spacing of type to be used in all reports, publications, bulletins, documents, or pamphlets printed at public expense.

The department shall not use its authority to curtail the release of public information by any elected state official.

(C) ~~For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services~~Division (B) of this section does not apply to printing contracts requiring special security paper, of a unique nature, if compliance will result in acquiring a disproportionately inferior product or a price that exceeds by more than five per cent the lowest price submitted on a non-Ohio bid.

Sec. 125.42. (A) No agency, officer, board, or commission, except the clerk of the senate and the clerk of the house of representatives, shall print or cause to be printed at the public expense, any report, bulletin, document, or pamphlet, unless such report, bulletin, document, or pamphlet is first submitted to, and the printing thereof approved by, the department of administrative services. If the department approves the printing, it shall determine the form of such printing and the number of copies.

If such approval is given, the department shall cause the same to be printed and bound ~~as provided by sections 125.49, 125.51, and 125.56 of the Revised Code, except as otherwise provided by section 125.45 of the Revised Code~~; and when printed, such publications or forms shall be delivered to the ordering officer, board, commission, or department, or sold at a

price not to exceed the total cost.

(B) The department of administrative services annually shall set a maximum cost per page and a maximum total cost for the printing by any board, commission, council, or other public body of the state of any annual report or any other report that it is required by law to produce. No board, commission, council, or other public body of the state shall expend or incur the expenditure of any amount in excess of these maximum amounts without the prior approval of the department. This division does not apply to the general assembly or any court.

Sec. 125.58. ~~The department of administrative services shall promptly notify each successful offeror of the acceptance of the offeror's bid or proposal for state printing. If such offeror fails to execute the contract because of death or other cause, or if the offeror fails to execute the work required by the contract in a proper manner and with reasonable promptness, or the contract is abandoned, or its execution is temporarily suspended, the department may enter into a contract with another person for the prompt execution of the work for the lowest price which may be obtained. Before any work is relet in consequence of the misconduct or default of the contractor, the department shall give the contractor written notice thereof.~~ The department of administrative services may set a daily penalty charge for late orders, provided the penalty schedule and amount are stated in the invitation to bid or request for proposals for ~~the~~ printing.

Sec. 125.601. (A) The director of administrative services shall establish the ~~office of procurement from~~ community rehabilitation ~~programs~~ program within the procurement office of the department ~~of administrative services~~. The director shall

designate an employee of the department to serve as administrator of the ~~office~~program and shall adopt rules in accordance with Chapter 119. of the Revised Code for the effective and efficient administration of the program.

(B) The community rehabilitation program shall do all of the following:

(1) Establish procedures by which a nonprofit agency may apply for certification as a community rehabilitation program;

(2) Establish criteria and procedures for the department to use to determine if a nonprofit agency qualifies for the community rehabilitation program;

(3) Negotiate and enter into contractual agreements with qualified nonprofit agencies;

(4) Establish, maintain, and periodically update a list of approved goods and services available from contracted qualified nonprofit agencies, and attempt to establish fair market pricing for each of the items on this list;

(5) Monitor the procurement practices of state agencies to ensure compliance with this section and section 125.035 of the Revised Code;

(6) Waive purchasing requirements for state agencies pursuant to section 125.035 of the Revised Code;

(7) Structure or regulate competition among qualified nonprofit agencies for the overall benefit of the program.

(C) Contracts established by the department and purchases made under this section are not subject to the competitive selection requirements of sections 125.05, 125.07, 125.071, and 125.072 of the Revised Code.

(D) Purchases made by state agencies under this section shall be made pursuant to section 125.035 of the Revised Code.

(E) Goods and services available from qualified nonprofit agencies shall be purchased at the fair market value established by the department.

(1) If a fair market value has not been established, government ordering offices may negotiate purchase pricing with the qualified nonprofit agencies offering the needed goods or services.

(2) The department may accept a purchase price negotiated between a government ordering office and a qualified nonprofit agency as the fair market price for goods or services.

(F) The department may assess an administrative fee to all government ordering offices purchasing goods and services from qualified nonprofit agency contracts. At the department's discretion, this fee may either be billed directly to the government ordering offices or collected by qualified nonprofit agencies that will remit them to the department.

(1) Any administrative fees collected and remitted by qualified nonprofit agencies shall be considered allowable expenses in addition to the product fair market price.

(2) Fees collected shall be deposited in the state treasury to the credit of the general services fund created under section 125.15 of the Revised Code.

(G) Nothing in this section shall be construed to prohibit the purchase of goods or services from a qualified nonprofit agency by a political subdivision that is not a government ordering office.

(1) Purchases made under this section by a political subdivision, as defined in section 125.04 of the Revised Code, are exempt from any competitive selection procedures otherwise required by law. Purchases under this section shall be made from qualified nonprofit agencies or their approved agents.

(2) A political subdivision may not purchase under division (C) of section 125.04 of the Revised Code, goods or services included on the list established by the department pursuant to division (B)(4) of this section.

(H) The department of administrative services, on its own or pursuant to a request from a government ordering office, may release a government ordering office from compliance with this section if either of the following apply:

(1) The department determines that compliance is not possible or not advantageous to the government ordering office;

(2) Conditions prescribed in rules adopted under this section for granting a release are met.

(I) Releases granted under division (H) of this section shall be in writing and shall specify the goods or services to which it applies, the period of time during which it is effective, and the reason for which it is granted.

(J) Government ordering offices and qualified nonprofit agencies shall provide the necessary information and documentation requested by the department to enable the effective administration of the community rehabilitation program.

(K) Not later than the thirtieth day of December, the department shall prepare and submit to the governor, the president of the senate, and the speaker of the house of

representatives, an annual report that identifies the number, types, and costs of purchases made by government ordering offices from qualified nonprofit agencies during the prior fiscal year.

Sec. 126.10. (A) For the purposes of this section:

(1) "Agency" has the same meaning as in section 111.15 of the Revised Code.

(2) "State program" means any program, initiative, or service administered or overseen by an agency.

(B) Notwithstanding any provision of law to the contrary or any rules adopted under it, if the federal government reduces, discontinues, pauses, or otherwise suspends any federal program that provides federal funds for any corresponding state program, such program may be reduced, discontinued, paused, or suspended. This shall include any contract, agreement, memorandum of understanding, or any other covenant entered into by the state that is dependent on federal funding.

Sec. 126.14. The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. ~~The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may approve the release of money appropriated for specific projects in accordance with the requirements of this section and except that the director of budget and management may approve the release of unencumbered capital balances, for a project to repair, remove, or prevent a public exigency declared to exist by the executive director of the Ohio facilities construction commission under section 123.10 of the Revised Code in the~~

~~amount designated in that declaration.~~

~~Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which are for specific projects. Specific projects may include specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund or the higher education improvement taxable fund created in section 154.21 of the Revised Code. Upon determining which projects are general and which are specific, the director shall submit to the controlling board a list that includes a brief description of and the estimated expenditures for each specific project. The release of money for any specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund or the higher education improvement taxable fund but that are not included on the list, and the release of money for any specific higher education projects included on the list that will exceed the estimated expenditures by more than ten per cent, are subject to the approval of the controlling board.~~

The director may create new appropriation items and make transfers of appropriations to them for specific higher education projects ~~included on the list~~ that are to be funded from general purpose appropriations for basic renovations that are made from the higher education improvement fund or the higher education improvement taxable fund.

Sec. 126.141. ~~Any request for release of capital appropriations by the director of budget and management or the controlling board for~~ All capital facilities projects awarded on behalf of a state agency or institution of higher education

shall contain a contingency reserve, the amount of which shall be determined by the public authority, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors, omissions, or other deficiencies in contract documents, to pay costs associated with changes in the scope of work, to pay interest due on late payments, and to pay the costs of settlements and judgments related to the project.

Any funds remaining upon completion of a project may, upon approval of the controlling board, be released for the use of the agency or instrumentality to which the appropriation was made for other capital facilities projects.

Sec. 126.32. (A) Any officer of any state agency may authorize reimbursement for travel, including the costs of transportation, for lodging, and for meals to any person who is interviewing for a position that is classified in pay range 13 or above in schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code or is classified in schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code.

(B) If a person is appointed to a position listed in section 121.03 of the Revised Code, to the position of chairperson of the industrial commission, adjutant general, chancellor of the Ohio board of regents, superintendent of public instruction, chairperson of the public utilities

commission of Ohio, or director of the state lottery commission, to a position holding a fiduciary relationship to the governor, to a position of an appointing authority of the department of mental health and addiction services, developmental disabilities, or rehabilitation and correction, to a position of superintendent in the department of youth services, or to a position under section 122.05 of the Revised Code, and if that appointment requires a permanent change of residence, the appropriate state agency may reimburse the person for the person's actual and necessary expenses, including the cost of in-transit storage of household goods and personal effects, of moving the person and members of the person's immediate family residing in the person's household, and of moving their household goods and personal effects, to the person's new location.

Until that person moves the person's permanent residence to the new location, but not for a period that exceeds thirty consecutive days, the state agency may reimburse the person for the person's temporary living expenses at the new location that the person has incurred on behalf of the person and members of the person's immediate family residing in the person's household. In addition, the state agency may reimburse that person for the person's travel expenses between the new location and the person's former residence during this period for a maximum number of trips specified by rule of the director of budget and management, but the state agency shall not reimburse the person for travel expenses incurred for those trips by members of the person's immediate family. With the prior written approval of the director, the maximum thirty-day period for temporary living expenses may be extended for a person appointed to a position under section 122.05 of the Revised Code.

The director of development services may reimburse a person appointed to a position under section 122.05 of the Revised Code for the person's actual and necessary expenses of moving the person and members of the person's immediate family residing in the person's household back to the United States and may reimburse a person appointed to such a position for the cost of storage of household goods and personal effects of the person and the person's immediate family while the person is serving outside the United States, if the person's office outside the United States is the person's primary job location.

(C) All reimbursement under division (A) or (B) of this section shall be made in the manner, and at rates that do not exceed those, provided by rule of the director of budget and management in accordance with section 111.15 of the Revised Code. Reimbursements may be made under division (B) of this section directly to the persons who incurred the expenses or directly to the providers of goods or services the persons receive, as determined by the director of budget and management.

Sec. 126.42. (A) Notwithstanding any provision of law to the contrary, the office of budget and management shall perform routine support for the following boards and commissions:

(1) Architects board;

(2) State chiropractic board;

(3) State cosmetology and barber board;

(4) Accountancy board;

(5) State dental board;

(6) Ohio occupational therapy, physical therapy, and athletic trainers board;

(7) State board of registration for professional engineers and surveyors;

(8) Board of embalmers and funeral directors;

(9) State board of psychology;

(10) Counselor, social worker, and marriage and family therapist board;

(11) State veterinary medical licensing board;

(12) Commission on Hispanic-Latino affairs;

(13) Commission on African-Americans;

(14) Chemical dependency professionals board;

(15) State vision professionals board;

(16) State speech and hearing professionals board;

(17) New African immigrants commission.

(B)(1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:

(a) Preparing and processing payroll and other personnel documents;

(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;

(c) Maintaining ledgers of accounts and balances;

(d) Preparing and monitoring budgets and allotment plans

in consultation with the boards and commissions;

(e) Routine human resources and personnel services;

(f) Other routine support services that the director of budget and management considers appropriate to achieve efficiency.

(2) In addition to the routine support services listed in division (B)(1) of this section, the office of budget and management may perform other services which a board or commission named in division (A) of this section delegates to the office and the office accepts.

(3) The office of budget and management may perform routine support services for any ~~professional or occupational licensing~~ board or commission not named in division (A) of this section at the request of the board or commission.

(C) The office of budget and management shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.

Sec. 126.67. The targeted addiction assistance fund is created in the state treasury. The fund shall consist of all money awarded to the state by court order that is intended to address the effects of the opioid crisis, unless such money is specifically directed elsewhere by the court.

Sec. 126.70. If the federal medical assistance percentage for medical assistance provided to members of the expansion eligibility group is set below ninety per cent, the department of medicaid shall immediately discontinue all medical assistance for members of the group.

As used in this section, "expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general

shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under the medicaid program;

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as

well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the opportunities for Ohioans with disabilities agency of goods or services, ~~or supplies,~~ that are provided to persons with disabilities, or to purchases made by the agency in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of medicaid under section 5164.85 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;

(10) Applying to any agency of the legislative branch of the state government;

(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;

(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;

(13) Applying to dues or fees paid for membership in an organization or association;

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;

(16) Applying to purchases of tickets for passenger air transportation;

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

(18) Applying to the judicial branch of state government;

(19) Applying to purchases of liquor for resale by the division of liquor control;

(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;

(24) Applying to purchases from a qualified nonprofit agency pursuant to ~~sections 125.60 to 125.6012~~ section 125.601 or 4115.31 to 4115.35 of the Revised Code;

(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(26) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;

(27) Applying to payments made by the department of mental health and addiction services under a physician recruitment program authorized by section 5119.185 of the Revised Code;

(28) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (G) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.

(29) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;

(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;

(31) Applying to payments by the attorney general from the

reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;

(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;

(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;

(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;

(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;

(36) Applying to contracts entered into under section 5160.12 of the Revised Code;

(37) Applying to payments to the Ohio history connection from other state agencies.

(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.

(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(G) As used in this section, "competitive selection," "direct purchasing authority," "goods," "purchase," ~~"supplies,"~~ and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 128.021. (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.

(B) Not later than one year after September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering committee shall conduct an assessment of the operational standards for public safety answering points developed under division (A) of this section and revise the standards as necessary to ensure that the operational standards contain the following:

(1) Policies to ensure that public safety answering point personnel prioritize life-saving questions in responding to each call to a 9-1-1 system established under this chapter;

(2) A requirement that all public safety answering point personnel complete proper training or provide proof of prior training to give instructions regarding emergency situations.

(C) Upon the effective date of the amendments to this section by ~~this act~~ H.B. 33 of the 135th general assembly, October 3, 2023, all public safety answering points that answer 9-1-1 calls for service ~~from wireless services~~ shall be subject to the public safety answering point operations rules. Public safety answering points not originally required to be compliant shall comply with the standards not later than two years after the effective date of the amendments to this section by ~~this act~~ H.B. 33 of the 135th general assembly, October 3, 2023.

Sec. 128.46. (A)(1) An entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code shall, on or before the twenty-third day of each month, except as provided in divisions (A)(2) and (3) of this section, do both of the following:

(a) Make and file a return for the preceding month, in the form prescribed by the tax commissioner, showing the amount of the charges or fees due for that month;

(b) Remit the full amount due, as shown on the return, with the exception of charges or fees equivalent to the amount authorized as a collection fee under division (B) of this section.

(2) The commissioner may grant one or more thirty-day

extensions for making and filing returns and remitting amounts due.

(3) If a seller is required to collect prepaid wireless 9-1-1 charges under section 128.40 of the Revised Code or next generation 9-1-1 access fees under section 128.421 of the Revised Code in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state.

(B) A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under sections 128.40, 128.41, and 128.42 of the Revised Code, and shall account to the tax commissioner for the amount retained.

(C) The return required under division (A)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. An entity required to file the return may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the entity from either or both of the requirements and may permit the entity to file returns or make remittances by nonelectronic means.

(D)(1) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section 128.40 of the Revised Code or on which a next generation 9-1-1 access fee is imposed under

section 128.41 or 128.42 of the Revised Code is liable to the state for the amount of the charge.

(2) An entity required to collect the wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code is liable to the state for any amount that was required to be collected but that was not remitted, regardless of whether the amount was collected.

(3) No provider of a prepaid wireless calling service shall be liable to the state for any wireless 9-1-1 charge imposed under section 128.40 of the Revised Code or any next generation 9-1-1 access fee imposed under section 128.42 of the Revised Code that was not collected or remitted.

(E)(1) If the tax commissioner has reason to believe that an entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code has failed to bill, collect, or remit the charge or fee as required by this section and sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) of this section, and after written notice to the entity, the tax commissioner may audit the entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the entity in selecting that sample.

(2) Upon written notice to the entity, the tax commissioner, after completion of the audit, may make an

assessment against the entity if, pursuant to the audit, the tax commissioner determines that the entity has failed to bill, collect, or remit the charge or fee as required by sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the entity or, as applicable, in the amount of the excess amount under division (B) of this section retained by the entity as of that date.

(3) The portion of any assessment consisting of charges or fees due and not paid within sixty days after the date that the assessment was made under division (E)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (E)(2) of this section.

(4) Unless the entity assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment, signed by the entity assessed or that entity's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due and payable from the entity assessed to the treasurer of state, for deposit to the next generation 9-1-1 fund, which is created under section 128.54 of the Revised Code. The petition shall indicate the objections of the entity assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the

Revised Code.

(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed entity is conducted. If the entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner.

(6) If the commissioner determines that the commissioner erroneously has refunded a 9-1-1 charge or fee to any person, the commissioner may make an assessment against that person for recovery of the erroneously refunded charge.

(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the entity for a 9-1-1 charge or fee. If, after the date of service of the audit notice under division (E)(1) of this section, a subscriber or consumer pays a 9-1-1 charge or fee for the period covered by the assessment, the payment shall be credited against the assessment.

Sec. 128.99. (A) Whoever violates division (F) of section 128.96 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (G) or (H) of section 128.96 or division (B)(2) of section 128.60 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a felony of the fifth degree on each subsequent offense.

(C) If a wireless service provider, reseller, or seller violates division (A)(1)(a) of section 128.46 of the Revised Code, and does not comply with any extensions granted under division (A)(2) of that section, the tax commissioner may impose a late-filing penalty of not more than the greater of fifty dollars or five per cent of the amount required to be remitted as described in division (B)(1)(b) of that section.

(D) If a wireless service provider, reseller, or seller fails to comply with division (A)(1)(b) of section 128.46 of the Revised Code, the tax commissioner may impose a late-payment penalty of not more than the greater of fifty dollars or five per cent of the wireless 9-1-1 charge required to be remitted for the reporting period minus any partial remittance made on or before the due date, including any extensions granted under division (A)(2) of section 128.46 of the Revised Code.

(E) The tax commissioner may impose an assessment penalty of not more than the greater of one hundred dollars or thirty-five per cent of the wireless 9-1-1 charges due after the tax commissioner notifies the person of an audit, an examination, a delinquency, assessment, or other notice that additional wireless 9-1-1 charges are due.

(F) If a wireless service provider, reseller, or seller fails to comply with either electronic requirement of division (C) of section 128.46 of the Revised Code, the tax commissioner may impose an electronic penalty, for either or both failures to comply, of not more than the lesser of the following:

(1) The greater of one hundred dollars or ten per cent of the amount required to be, but not, remitted electronically;

(2) Five thousand dollars.

(G) Each penalty described in divisions (C) to (F) of this section is in addition to any other penalty described in those divisions. ~~The tax commissioner may abate all or any portion of any penalty described in those divisions.~~

(H) An operator in violation of section 128.24 of the Revised Code may be assessed a fine of up to five thousand dollars per offense.

(I)(1) If a business service user fails to comply with section 128.241 of the Revised Code without being exempt under section 128.242 of the Revised Code, the 9-1-1 steering committee shall request the attorney general to bring an action to recover one of the following amounts from the user:

(a) One thousand dollars for an initial failure;

(b) Up to five thousand dollars for each subsequent failure within each continuing six-month period in which the user remains noncompliant.

(2) Any funds recovered under division (I)(1) of this section shall be deposited into the next generation 9-1-1 fund created under section 128.54 of the Revised Code.

(3) Divisions (I)(1) and (2) of this section shall not apply if they are preempted by or in conflict with federal law.

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:

(A) "Account" means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification.

(B) "Accounting procedure" means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control.

(C) "Accounting system" means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds and organizational components.

(D) "Allocation" means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time.

(E) "Allotment" means all or part of an appropriation which may be encumbered or expended within a specific period of time.

(F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes.

(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value.

(H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them.

(I) "Check" means a negotiable financial instrument, payable upon demand, directing a financial institution to transfer money from the payer's account to the payee.

(J) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.

~~(J)~~ (K) "Disbursement" means a payment made for any purpose.

~~(K)~~ (L) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.

~~(L)~~ (M) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer.

~~(M)~~ (N) "Encumbrancing document" means a document reserving all or part of an appropriation.

~~(N)~~ (O) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met.

~~(O)~~ (P) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.

~~(P)~~ (Q) "Lapse" means the automatic termination of an appropriation at the end of the fiscal period for which it was appropriated.

~~(Q)~~ (R) "Reappropriation" means an appropriation of a previous appropriation that is continued in force in a succeeding appropriation period. "Reappropriation" shall be equated with and incorporated in the term "appropriation."

~~(R)~~ (S) "Stored value card" means a payment card that may have money loaded and stored on the card and accessed through automated teller machines, point of sale terminals, or other electronic media. "Stored value card" does not include any payment card linked to, and that can access money in, an external account maintained by a financial institution.

~~(S)~~ (T) "Voucher" means the document used to transmit a claim for payment and evidentiary matter related to the claim.

~~(T)~~ (U) "Warrant" means an order drawn upon the treasurer of state by the director of budget and management, or an authorized person at a state entity that has a custodial account in the custody of the treasurer of state, directing the treasurer of state to pay a specified amount to one or more specified payees. A variety of payment instruments may be used, including but not limited to paper warrants or checks, stored value cards, direct deposit to the payee's bank account, or the drawdown of funds by electronic benefit transfer, and the resulting electronic transfer to or by the ultimate payees.

The terms defined in this section shall be used, on all accounting forms, reports, formal rules, and budget requests produced by a state agency, only as defined in this section.

Sec. 131.50. (A) As used in this section, "state agency" has the same meaning as in section 155.30 of the Revised Code.

(B) There is hereby created in the state treasury the state land royalty fund consisting of money credited to it under

section 155.33 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund.

~~(B)(1)~~(C)(1) A state agency is entitled to receive from the fund the amount that the state agency contributed and a share of the investment earnings of the fund in an amount that is equivalent to the proportionate share of contributions made by the state agency to the fund. Regarding the department of natural resources, each division within the department is entitled to receive from the department's proportionate share all amounts received by the department that are attributable to the state-owned land controlled by that division.

(2) ~~The treasurer of state, in consultation with~~ Upon request from a state agency entitled to receive revenue in accordance with this section, the director of budget and management~~,~~ shall ~~disburse money~~ transfer cash from the state land royalty fund to the appropriate fund designated by ~~the state agency not later than thirty days after the deposit of any money into the state land royalty fund~~this section or as otherwise designated. ~~If the state agency is the department of natural resources, the treasurer of state, in consultation with the director of budget and management and the director of natural resources, shall disburse the money to the appropriate fund designated by the applicable division within the department.~~

(3) A state agency or, as applicable, a division of the department of natural resources, may use the money for any costs and expenses the agency determines are necessary.

~~(C) As used in this section, "state agency" has the same meaning as in section 155.30 of the Revised Code.~~(D)(1) The natural resources land royalty fund is created in the state

treasury. The fund shall consist of money credited to it under division (C) of this section for leased mineral rights on land owned or controlled by the department of natural resources. All investment earnings of the fund shall be credited to the fund.

(2) The transportation land royalty fund is created in the state treasury. The fund shall consist of money credited to it under division (C) of this section for leased mineral rights on land owned or controlled by the department of transportation. All Investment earnings of the fund shall be credited to the fund.

Sec. 131.51. (A) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund one and ~~seven-tenths~~ seventy-five one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the local government fund as required under sections 5747.50 and 5747.503 of the Revised Code during the same month in which it is credited to the fund.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund one and ~~seven-tenths~~ seventy-five one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this

division and division (A) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

(C) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under divisions (A) and (B) of this section. The director may, from time to time, revise the schedule as the director considers necessary.

Sec. 135.01. Except as otherwise provided in sections 135.14, 135.143, 135.181, and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code:

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, or on a fund that is in the custody of the treasurer of state but not part of the state treasury, and that is deposited in any of the following:

(1) A commercial account that is payable or withdrawable, in whole or in part, on demand;

(2) A negotiable order of withdrawal account as authorized in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 12 U.S.C.A. 1832(a);

(3) A money market deposit account as authorized in the "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 1501, 12 U.S.C. 3503.

(B) "Auditor" includes the auditor of state and the auditor, or officer exercising the functions of an auditor, of any subdivision.

(C) "Capital funds" means the sum of the following: the

par value of the outstanding common capital stock, the par value of the outstanding preferred capital stock, the aggregate par value of all outstanding capital notes and debentures, and the surplus. In the case of an institution having offices in more than one county, the capital funds of such institution, for the purposes of sections 135.01 to 135.21 of the Revised Code, relative to the deposit of the public moneys of the subdivisions in one such county, shall be considered to be that proportion of the capital funds of the institution that is represented by the ratio that the deposit liabilities of such institution originating at the office located in the county bears to the total deposit liabilities of the institution.

(D) "Governing board" means, in the case of the state, the state board of deposit; in the case of all school districts and educational service centers except as otherwise provided in this section, the board of education or governing board of a service center, and when the case so requires, the board of commissioners of the sinking fund; in the case of a municipal corporation, the legislative authority, and when the case so requires, the board of trustees of the sinking fund; in the case of a township, the board of township trustees; in the case of a union or joint institution or enterprise of two or more subdivisions not having a treasurer, the board of directors or trustees thereof; and in the case of any other subdivision electing or appointing a treasurer, the directors, trustees, or other similar officers of such subdivision. The governing board of a subdivision electing or appointing a treasurer shall be the governing board of all other subdivisions for which such treasurer is authorized by law to act. In the case of a county school financing district that levies a tax pursuant to section 5705.215 of the Revised Code, the county board of education that

serves as its taxing authority shall operate as a governing board. Any other county board of education shall operate as a governing board unless it adopts a resolution designating the board of county commissioners as the governing board for the county school district.

(E) "Inactive deposit" means a public deposit other than an interim deposit or an active deposit.

(F) "Interim deposit" means a deposit of interim moneys. "Interim moneys" means public moneys in the treasury of any subdivision after the award of inactive deposits has been made in accordance with section 135.07 of the Revised Code, which moneys are in excess of the aggregate amount of the inactive deposits as estimated by the governing board prior to the period of designation and which the governing board finds should not be deposited as active or inactive deposits for the reason that such moneys will not be needed for immediate use but will be needed before the end of the period of designation. In the case of the state treasury, "interim moneys" means public moneys that are not active deposits and may be invested in accordance with section 135.143 of the Revised Code.

(G) "Permissible rate of interest" means a rate of interest that all eligible institutions mentioned in section 135.03 of the Revised Code are permitted to pay by law or valid regulations.

(H) "Warrant clearance account" means an account established by the treasurer of state for either of the following purposes:

~~(a)~~ (1) The deposit of active state moneys for the purposes of clearing state paper warrants or checks through the banking

system, funding electronic benefit transfer cards, issuing stored value cards, or otherwise facilitating the settlement of state obligations;

~~(b)~~ (2) The deposit of custodial moneys from an account held in the custody of the treasurer of state to facilitate settlement of obligations of the custodial fund.

(I) "Public deposit" means public moneys deposited in a public depository pursuant to sections 135.01 to 135.21 of the Revised Code.

(J) "Public depository" means an institution which receives or holds any public deposits.

(K) "Public moneys" means all moneys in the treasury of the state or any subdivision of the state, or moneys coming lawfully into the possession or custody of the treasurer of state or of the treasurer of any subdivision. "Public moneys of the state" includes all such moneys coming lawfully into the possession of the treasurer of state; and "public moneys of a subdivision" includes all such moneys coming lawfully into the possession of the treasurer of the subdivision.

(L) "Subdivision" means any municipal corporation, except one which has adopted a charter under Article XVIII, Ohio Constitution, and the charter or ordinances of the chartered municipal corporation set forth special provisions respecting the deposit or investment of its public moneys, or any school district or educational service center, a county school financing district, township, municipal or school district sinking fund, special taxing or assessment district, or other district or local authority electing or appointing a treasurer, except a county. In the case of a school district or educational

service center, special taxing or assessment district, or other local authority for which a treasurer, elected or appointed primarily as the treasurer of a subdivision, is authorized or required by law to act as ex officio treasurer, the subdivision for which such a treasurer has been primarily elected or appointed shall be considered to be the "subdivision." The term also includes a union or joint institution or enterprise of two or more subdivisions, that is not authorized to elect or appoint a treasurer, and for which no ex officio treasurer is provided by law.

(M) "Treasurer" means, in the case of the state, the treasurer of state and in the case of any subdivision, the treasurer, or officer exercising the functions of a treasurer, of such subdivision. In the case of a board of trustees of the sinking fund of a municipal corporation, the board of commissioners of the sinking fund of a school district, or a board of directors or trustees of any union or joint institution or enterprise of two or more subdivisions not having a treasurer, such term means such board of trustees of the sinking fund, board of commissioners of the sinking fund, or board of directors or trustees.

(N) "Treasury investment board" of a municipal corporation means the mayor or other chief executive officer, the village solicitor or city director of law, and the auditor or other chief fiscal officer.

(O) "No-load money market mutual fund" means a no-load money market mutual fund to which all of the following apply:

(1) The fund is registered as an investment company under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 to 80a-64;

(2) The fund has the highest letter or numerical rating provided by at least one nationally recognized statistical rating organization;

(3) The fund does not include any investment in a derivative. As used in division (O)(3) of this section, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or instrumentality or is created from both is considered a derivative instrument. An eligible investment described in section 135.14 or 135.35 of the Revised Code with a variable interest rate payment, based upon a single interest payment or single index comprised of other investments provided for in division (B)(1) or (2) of section 135.14 of the Revised Code, is not a derivative, provided that such variable rate investment has a maximum maturity of two years.

(P) "Public depositor" means the state or a subdivision, as applicable, that deposits public moneys in a public depository pursuant to sections 135.01 to 135.21 of the Revised Code.

(Q) "Uninsured public deposit" means the portion of a public deposit that is not insured by the federal deposit insurance corporation or by any other agency or instrumentality of the federal government.

Sec. 135.03. (A) As used in this section, "banking office" has the same meaning as in section 1101.01 of the Revised Code.

(B) Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, and which has a banking office located in this state, is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

(C) Any federal savings association or any savings and loan association or savings bank doing business under authority granted by the regulatory authority of another state of the United States, and which has a banking office located in this state, and authorized to accept deposits is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No savings association, savings and loan association, or savings bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the former office of thrift supervision, the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

Sec. 135.18. (A) Each institution designated as a public depository and awarded public deposits under sections 135.01 to

135.21 of the Revised Code, except as provided in section ~~135.144 or~~ 135.145 of the Revised Code, shall provide security for the repayment of all public deposits by selecting one of the following methods:

(1) Securing all uninsured public deposits of each public depositor separately as set forth in divisions (B) to (J) of this section;

(2) Securing all uninsured public deposits of every public depositor pursuant to section 135.181 or 135.182 of the Revised Code, as applicable, by establishing and pledging to the treasurer of state a single pool of collateral for the benefit of every public depositor at the public depository.

(B) If a public depository elects to provide security pursuant to division (A)(1) of this section, the public depository shall pledge to the public depositor, as security for the repayment of all public moneys deposited in the public depository during the period of designation pursuant to an award made under sections 135.01 to 135.21 of the Revised Code, eligible securities of aggregate market value at all times equal to at least one hundred five per cent of the total amount of the public depositor's uninsured public deposits.

(C) In order for a public depository to receive public moneys under this section, the public depository and the public depositor shall first execute an agreement that sets forth the entire arrangement among the parties and that meets the requirements described in 12 U.S.C. 1823(e). In addition, the agreement shall authorize the public depositor to obtain control of the collateral pursuant to division (D) of section 1308.24 of the Revised Code.

(D) The following securities or other obligations shall be eligible for the purposes of this section:

(1) Bonds, notes, or other obligations of the United States; or bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language appearing in the instrument specifically providing such guarantee or pledge and not merely by interpretation or otherwise;

(2) Bonds, notes, debentures, letters of credit, or other obligations or securities issued by any federal government agency or instrumentality, or the export-import bank of Washington; bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by interpretation or otherwise and not by language appearing in the instrument specifically providing such guarantee or pledge;

(3) Obligations of or fully insured or fully guaranteed by the United States or any federal government agency or instrumentality;

(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;

(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;

(6) Bonds and other obligations of this state;

(7) Bonds and other obligations of any county, township,

school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;

(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;

(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (D)(1) or (2) of this section and repurchase agreements secured by such obligations;

(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for

safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this notice to the public depository. Upon receipt of this notice, the trustee shall transfer to the public depositor for sale, the securities that are necessary to produce an amount equal to the public deposits made by the public depositor and not paid over, less the portion of the deposits covered by any federal deposit insurance, plus any accrued interest due on the deposits. The public depositor shall sell any of the bonds or other securities so transferred. When a sale of bonds or other securities has been so made and upon payment to the public depositor of the purchase money, the public depositor shall transfer such bonds or securities whereupon the absolute ownership of such bonds or

securities shall pass to the purchasers. Any surplus after deducting the amount due the public depositor and expenses of sale shall be paid to the public depository.

(G) When the public depository has placed eligible securities described in division (D)(1) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division (D)(1) of this section having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from any public depositor's governing board, boards, or treasurer of any such substitution or exchange.

(H) When the public depository has placed eligible securities described in divisions (D)(2) to (9) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any public depositor's governing board, boards, or treasurer of any such substitution or exchange only if one of the following applies:

(1) The public depositor has authorized the public depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. The authorization may be effected by the public depositor sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end

of the period of designation during which the notice is given. The trustee may rely upon this notice and upon the period of authorization stated therein and upon the period of designation stated therein.

(2) The public depository notifies the public depositor and the trustee of an intended substitution or exchange, and the public depositor does not object to the trustee as to the eligibility or market value of the securities being substituted within three business days after the date appearing on the notice of proposed substitution. The notice to the public depositor and to the trustee shall be given in writing and delivered electronically. The trustee may assume in any case that the notice has been delivered to the public depositor. In order for objections of the public depositor to be effective, receipt of the objections must be acknowledged in writing by the trustee.

(3) The public depositor gives written authorization for a substitution or exchange of specific securities.

(I) The public depository shall notify any public depositor of any substitution or exchange under division (H)(1) or (2) of this section.

(J) Any federal reserve bank or branch thereof located in this state or federal home loan bank, without compliance with Chapter 1111. of the Revised Code and without becoming subject to any other law of this state relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in section 135.03 or 135.32 of the Revised Code that holds a certificate of qualification issued by the superintendent of financial institutions or any institution

complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code, is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in section 1101.01 of the Revised Code.

Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, without limitation, a substitution or exchange of securities.

Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or the subdivision or to any officer of the state or subdivision. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the public depositor or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

Sec. 135.71. (A) The general assembly finds that making homeownership more attainable is an important part of fostering a robust and lasting population across the state. However, individuals often struggle to accumulate the financial resources needed to purchase a home. Accordingly, it is declared to be the public policy of the state through the homeownership savings

linked deposit program to make available premium rate savings accounts for the down payment and closing costs associated with the purchase of a home.

(B) An eligible participant for the homeownership savings linked deposit program is an individual who is a resident of this state and has applied for a homeownership savings account at an eligible savings institution.

(C) An eligible participant shall certify on the application that the funds in the homeownership savings account shall be used exclusively for eligible home costs.

(D) A homeownership savings account shall be owned by not more than one eligible participant and an eligible participant shall hold not more than one homeownership savings account per program period at any eligible savings institution.

(E) The treasurer of state shall report to the tax commissioner any information in the treasurer of state's possession deemed necessary by the tax commissioner to properly administer section 5747.85 of the Revised Code.

(F) Not later than January 31, 2027, the treasurer of state and the tax commissioner shall issue a report regarding the efficacy of the homeownership savings linked deposit program. The report shall include all of the following:

(1) The number of homeownership savings accounts created;

(2) The number of participating eligible savings institutions;

(3) The total amount contributed into the accounts;

(4) The average ~~yield~~ premium savings rate paid on the accounts;

(5) Any other information the treasurer of state or tax commissioner deems relevant.

The report shall be delivered to the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 141.01. Except as provided in section 141.011 of the Revised Code, the annual salaries of the elective executive officers of the state are as follows:

(A) Governor, one hundred fifty-four thousand two hundred forty-eight dollars;

(B) Lieutenant governor, one hundred thirteen thousand nine hundred forty-seven dollars;

(C) Secretary of state, one hundred thirteen thousand nine hundred forty-seven dollars;

(D) Auditor of state, one hundred thirteen thousand nine hundred forty-seven dollars;

(E) Treasurer of state, one hundred thirteen thousand nine hundred forty-seven dollars;

(F) Attorney general, one hundred thirteen thousand nine hundred forty-seven dollars.

These salaries shall be paid according to the schedule established in division (B) of section 124.15 of the Revised Code. Upon the death of an elected executive officer of the state listed in divisions (A) to (F) of this section during the officer's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to the officer's estate. The amount shall equal the amount of the salary that the officer would have received during the remainder of the

officer's unexpired term or an amount equal to the salary of the office held for two years, whichever is less.

Unless a higher salary is explicitly established by statute, no officer or employee elected or appointed, and no officer or employee of any state agency or state-assisted institution except a state institution of higher education or the Ohio board of regents for the positions of chancellor and vice chancellor for health affairs, shall be paid as an officer or employee, whether from appropriated or nonappropriated funds, a total salary that exceeds fifty-five thousand dollars per calendar year. This paragraph does not apply to the salaries of individuals holding or appointed to endowed academic chairs or endowed academic professorships at a state-supported institution of higher education or to the salaries of individuals paid under schedule C of section 124.15 or under schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code.

Sec. 145.01. As used in this chapter:

(A) "Public employee" means:

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in division (A)(1) of this section, or

employed and paid in whole or in part by the state or any of the authorities named in division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

(2) A person who is a member of the public employees retirement system and who continues to perform the same or similar duties under the direction of a contractor who has contracted to take over what before the date of the contract was a publicly operated function. The governmental unit with which the contract has been made shall be deemed the employer for the purposes of administering this chapter.

(3) Any person who is an employee of a public employer, notwithstanding that the person's compensation for that employment is derived from funds of a person or entity other than the employer. Credit for such service shall be included as total service credit, provided that the employee makes the payments required by this chapter, and the employer makes the payments required by sections 145.48 and 145.51 of the Revised Code.

(4) A person who elects in accordance with section 145.015 of the Revised Code to remain a contributing member of the public employees retirement system.

(5) A person who is an employee of the legal rights service on September 30, 2012, and continues to be employed by the nonprofit entity established under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly. The nonprofit entity is the employer for the purpose of this chapter.

In all cases of doubt, the public employees retirement board shall determine under section 145.036, 145.037, or 145.038

of the Revised Code whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical university, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior military service" also means all service

credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in sections 145.016 and 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of the contributions

they would have paid had they been members of this system for the eighteen months of employment preceding the date membership was established. When that payment has been made by all such employee members, a corresponding payment shall be paid into the employers' accumulation fund by that municipal corporation as the employer of the employees.

(3) Not more than one year of credit may be given for any period of twelve months.

(4) "Ohio service credit" means credit for service that was rendered to the state or any of its political subdivisions or any employer.

(I) "Regular interest" means interest at any rates for the respective funds and accounts as the public employees retirement board may determine from time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under section 145.471 or 145.472 of the Revised Code.

(K)(1) "Final average salary" means the greater of the following:

(a) The sum of the member's earnable salaries for the appropriate number of calendar years of contributing service, determined under section 145.017 of the Revised Code, in which the member's earnable salary was highest, divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of

the member's contributing service;

(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months.

(2) If contributions were made in only one calendar year, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter.

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;

(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;

(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;

(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;

(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.

(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T) "Contributing service" means both of the following:

(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.

(2) Service credit received by election of the member

under section 145.814 of the Revised Code.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, 145.335, and 145.46 and former section 145.34 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility under section 145.33 or 145.332 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.

(Z) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code; or any

person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(AA) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(BB) "Drug agent" means any person who is either of the following:

(1) Employed full time as a narcotics agent by a county narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) Employed full time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(CC) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

(DD) "Natural resources law enforcement staff officer"

means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(EE) "Forest-fire investigator" means a full-time employee of the department of natural resources who is appointed a forest-fire investigator under section 1503.09 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(FF) "Natural resources officer" means a full-time employee of the department of natural resources who is appointed as a natural resources officer under section 1501.24 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(GG) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(HH) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the

Revised Code, and is not a member of the Ohio police and fire pension fund.

(KK) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Special police officer for an institution for persons with intellectual disabilities" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(OO) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

(PP) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

(QQ) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority

police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(RR) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code.

(SS) "Municipal public safety director" means a person who serves full time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department.

(TT) "Bureau of criminal identification and investigation investigator" means a person who is in compliance with section 109.77 of the Revised Code and is employed full time as an investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section.

(UU) "Gaming agent" means a person who is in compliance with section 109.77 of the Revised Code and is employed full time as a gaming agent with the Ohio casino control commission pursuant to section 3772.03 of the Revised Code.

(VV) "Department of taxation investigator" means a person employed full time with the department of taxation to whom both

of the following apply:

(1) The person has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.

(2) The person is in compliance with section 109.77 of the Revised Code.

(WW) "Special police officer for a port authority" means a person who is in compliance with section 109.77 of the Revised Code and is employed full time as a special police officer with a port authority under section 4582.04 or 4582.28 of the Revised Code.

(XX) "Special police officer for a municipal airport" means a person to whom both of the following apply:

(1) The person is employed full time as a special police officer with a municipal corporation at a municipal airport or other municipal air navigation facility that meets both of the following requirements:

(a) The airport or navigation facility has scheduled operations, as defined in 14 C.F.R. 110.2, as amended.

(b) The airport or navigation facility is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in 49 C.F.R. parts 1542 and 1544, as amended.

(2) The person is in compliance with section 109.77 of the Revised Code.

(YY) Notwithstanding section 2901.01 of the Revised Code,

"PERS law enforcement officer" means a sheriff or any of the following whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, wildlife officer, forest-fire investigator, natural resources officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for persons with developmental disabilities, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer.

"PERS law enforcement officer" also includes a person employed as a bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport who commences employment in any of those positions on or after April 6, 2017, or makes the election described in section 145.334 of the Revised Code.

"PERS law enforcement officer" also includes a person serving as a municipal public safety director at any time during the period from September 29, 2005, to March 24, 2009, if the duties of that service were to preserve the peace, protect life and property, and enforce the laws of this state.

"PERS law enforcement officer" also includes a person employed as a state fire marshal law enforcement officer who

commences employment after the effective date of this amendment or who makes the election described in section 145.334 of the Revised Code.

(ZZ) "Hamilton county municipal court bailiff" means a person appointed by the clerk of courts of the Hamilton county municipal court under division (A)(3) of section 1901.32 of the Revised Code who is employed full time as a bailiff or deputy bailiff, who has received a certificate attesting to the person's satisfactory completion of the peace officer basic training described in division (D)(1) of section 109.77 of the Revised Code.

(AAA) "State fire marshal law enforcement officer" means a member of the public employees retirement system who is employed full time by the fire and explosion investigation bureau created under section 3737.22 of the Revised Code and to whom both of the following apply:

(1) The state fire marshal has appointed the member as an assistant fire marshal as defined in section 3737.01 of the Revised Code and designated the member to act as a law enforcement officer under division (C) of section 3737.22 of the Revised Code for both of the following:

(a) For purposes of investigating the cause, origin, and circumstances of fires and explosions in this state and arresting, or causing a person to be arrested, and charging a person with arson or a similar offense as a result of an investigation;

(b) To enforce the criminal prohibitions of Chapters 3737. and 3743. of the Revised Code.

(2) The state fire marshal has appointed the member as a

state fire marshal law enforcement officer as described in sections 109.71 and 2935.01 of the Revised Code and the member is in compliance with section 109.77 of the Revised Code for purposes of section 2935.03 of the Revised Code.

(BBB) "PERS public safety officer" means a Hamilton county municipal court bailiff, or any of the following whose primary duties are other than to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, wildlife officer, forest-fire investigator, natural resources officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for persons with developmental disabilities, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer.

"PERS public safety officer" also includes a person employed as a bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport who commences employment in any of those positions on or after April 6, 2017, or makes the election described in section 145.334 of the Revised Code.

"PERS public safety officer" also includes a person serving as a municipal public safety director at any time during

the period from September 29, 2005, to March 24, 2009, if the duties of that service were other than to preserve the peace, protect life and property, and enforce the laws of this state.

"PERS public safety officer" also includes a person employed as a state fire marshal law enforcement officer who commences employment after the effective date of this amendment or who makes the election described in section 145.334 of the Revised Code.

~~(BBB)~~ (CCC) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

~~(CCC)~~ (DDD) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

~~(DDD)~~ (EEE) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.

~~(EEE)~~ (FFF) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised

Code.

Sec. 145.334. (A) A member who, on ~~the effective date of this section~~ April 6, 2017, meets the definition of bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport in section 145.01 of the Revised Code may make the election to be considered a PERS law enforcement officer or PERS public safety officer by giving notice to the public employees retirement system on a form provided by the public employees retirement board. To be valid, the notice must be received by the retirement system not later than ninety days after ~~the effective date of this section~~ April 6, 2017. The election, once made, causes the member to be considered a PERS law enforcement officer or PERS public safety officer and is irrevocable.

(B) A member who, on the effective date of this amendment, meets the definition of state fire marshal law enforcement officer in section 145.01 of the Revised Code may make an election to be considered a PERS law enforcement officer or PERS public safety officer by giving notice to the public employees retirement system on a form provided by the public employees retirement board. To be valid, the notice must be received by the retirement system not later than ninety days after the effective date of this amendment. The election, once made, causes the member to be considered a PERS law enforcement officer or PERS public safety officer and is irrevocable.

(C) Service credit earned by a member of the public employees retirement system before the first day of the first month following the retirement system's receipt of the notice of

election under division (A) or (B) of this section shall not be considered service credit as a PERS law enforcement officer or PERS public safety officer.

Sec. 149.3010. The Ohio history connection, in addition to its other functions, may use any land owned by the Ohio history connection, any land owned by the state and in the Ohio history connection's custody and control, any land leased by the Ohio history connection, or any land that the Ohio history connection has agreed to lease to another entity or organization, for the purpose of repatriation of American Indian human remains.

The Ohio history connection shall work with and cooperate with federally recognized Indian tribal governments in the selection, management, and use of burial sites under this section. The Ohio history connection shall implement reasonable standards for the use and maintenance of the burial sites. In the event the Ohio history connection shall deaccession, otherwise dispose of, or no longer have custody and control of a burial site, the Ohio history connection shall retain access and authority to maintain the site or the Ohio history connection shall assign its right of access and maintenance to the person acquiring the site. For each burial site established on or after the effective date of this section, and for each burial site established before the effective date of this section and for which it is legally feasible, the Ohio history connection shall establish a perpetual easement, enforceable by the Ohio history connection or a person assigned by the Ohio history connection, to preserve the burial sites.

Chapters 517., 759., 1721., and 4767. of the Revised Code do not apply to burial sites under this section.

Sec. 149.311. (A) As used in this section:

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as an historic landmark designated by a local government certified under 16 U.S.C. 470a(c).

(2) "Qualified rehabilitation expenditures" means expenditures paid or incurred during the rehabilitation period, and before and after that period as determined under 26 U.S.C. 47, by an owner or qualified lessee of an historic building to rehabilitate the building. "Qualified rehabilitation expenditures" includes architectural or engineering fees paid or incurred in connection with the rehabilitation, and expenses incurred in the preparation of nomination forms for listing on the national register of historic places. "Qualified rehabilitation expenditures" does not include any of the following:

(a) The cost of acquiring, expanding, or enlarging an historic building;

(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;

(c) New building construction costs.

(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.

(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.

(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.

(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.

(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.

(8) "Rehabilitation period" means one of the following:

(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which rehabilitation occurs;

(b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section.

(9) "State historic preservation officer" or "officer" means the state historic preservation officer appointed by the governor under 16 U.S.C. 470a.

(10) "Catalytic project" means the rehabilitation of an historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred and shall indicate whether the historic building was used as a theater before, and is intended to be used as a theater after, the rehabilitation. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for

rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;

(3) Eligibility requirements for obtaining a certificate under this section;

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;

(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.

(7) Any other rules necessary to implement and administer this section.

(C) The director shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:

(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;

(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a

successor to that section;

(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic building; or

(b) To increase the level of investment in such rehabilitation.

(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code.

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building.

(D)(1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director shall not consider whether the historic building is located in or will benefit an economically

distressed area, including by weighting preference based on the poverty rate in the jurisdiction or census tract in which the building is located. The director may approve an application only after completion of the cost-benefit analysis.

(2) A rehabilitation tax credit certificate shall not be issued for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of one hundred twenty million dollars of rehabilitation tax credits ~~for each of fiscal years 2023 and 2024, and sixty million dollars of rehabilitation tax credits for each~~ per fiscal year ~~thereafter~~, but the director may reallocate unused tax credits from a prior fiscal year for new applicants and such reallocated credits shall not apply toward the dollar limit of this division.

(3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division (A)(8)(a) of this section, a rehabilitation tax credit certificate shall not be issued before the rehabilitation of the historic building is completed.

(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)(8)(b) of this section, a rehabilitation tax credit certificate shall not be issued before a stage of rehabilitation is completed. After all stages of rehabilitation are completed, if the director cannot determine that the criteria in division (C) of this section are satisfied for all stages of rehabilitations, the director shall certify this finding to the tax commissioner, and any rehabilitation tax credits received by the applicant shall be repaid by the applicant and may be collected by assessment as

unpaid tax by the commissioner.

(5) The director shall require the applicant to provide a third-party cost certification by a certified public accountant of the actual costs attributed to the rehabilitation of the historic building when qualified rehabilitation expenditures exceed two hundred thousand dollars.

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit certificate.

(6) The director may approve the application of, and issue a rehabilitation tax credit certificate to, the owner of a catalytic project, provided the application otherwise meets the criteria described in divisions (C) and (D) of this section. The director may not approve more than one application for a rehabilitation tax credit certificate under division (D)(6) of

this section during each state fiscal biennium. The director shall not approve an application for a rehabilitation tax credit certificate under division (D)(6) of this section during the state fiscal biennium beginning July 1, 2017, or during any state fiscal biennium thereafter. The director shall consider the following criteria in determining whether to approve an application for a certificate under division (D)(6) of this section:

(a) Whether the historic building is a catalytic project;

(b) The effect issuance of the certificate would have on the availability of credits for other applicants that qualify for a credit certificate within the credit dollar limit described in division (D)(2) of this section;

(c) The number of jobs, if any, the catalytic project will create.

(7)(a) The owner or qualified lessee of a historic building may apply for a rehabilitation tax credit certificate under both divisions (B) and (D)(6) of this section. In such a case, the director shall consider each application at the time the application is submitted.

(b) The director shall not issue more than one certificate under this section with respect to the same qualified rehabilitation expenditures.

(8) The director shall give consideration for tax credits awarded under this section to rehabilitations of historic buildings used as a theater before, and intended to be used as a theater after, the rehabilitation. In determining whether to approve an application for such a rehabilitation, the director shall consider the extent to which the rehabilitation will

increase attendance at the theater and increase the theater's gross revenue.

(9) The director shall rescind the approval of any application if the building that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code at any time before the building's rehabilitation is complete.

(E) Issuance of a certificate represents a finding by the director of the matters described in divisions (C)(1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by the rules adopted under this section.

(F)(1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit ~~program~~ programs established under this section and sections 149.312, 5725.151,

5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The report shall present an overview of the ~~program~~ programs and shall include information on the number of rehabilitation tax credit certificates issued under this section and under section 149.312 of the Revised Code during the preceding fiscal year, an update on the status of each historic building for which an application was approved under this section and under section 149.312 of the Revised Code, the dollar amount of the tax credits granted under sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, ~~and~~ 5747.76, and 5747.761 of the Revised Code, and any other information the director and commissioner consider relevant to the topics addressed in the report.

(2) On or before December 1, 2015, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a comprehensive report that includes the information required by division (F)(1) of this section and a detailed analysis of the effectiveness of issuing tax credits for rehabilitating historic buildings. The report shall be prepared with the assistance of an economic research organization jointly chosen by the director and commissioner.

(G) There is hereby created in the state treasury the historic rehabilitation tax credit operating fund. The director is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. Any such fees collected shall be credited to the fund and used to pay reasonable costs incurred by the department of development in administering this section and sections 5725.151, 5725.34,

5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code.

The Ohio historic preservation office is authorized to charge reasonable fees in connection with its review and approval of applications under this section. Any such fees collected shall be credited to the fund and used to pay administrative costs incurred by the Ohio historic preservation office pursuant to this section.

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate owner of a tax credit certificate issued under division (D)(6) of this section may claim a tax credit equal to twenty-five per cent of the dollar amount indicated on the certificate for a total credit of not more than twenty-five million dollars. The credit claimed by such a certificate owner for any calendar year, tax year, or taxable year under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed five million dollars. If the certificate owner is eligible for more than five million dollars in total credits, the certificate owner may carry forward the balance of the credit in excess of the amount claimed for that year for not more than five ensuing calendar years, tax years, or taxable years. If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer.

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, the following apply to a tax credit approved under this section after September 13, 2022, and before July 1, 2024:

(1) The certificate holder may claim a tax credit equal to thirty-five per cent of the dollar amount indicated on the tax

credit certificate if any county, township, or municipal corporation within which the project is located has a population of less than three hundred thousand according to the 2020 decennial census. The tax credit equals twenty-five per cent of the dollar amount indicated on the certificate if the project is not located within such a county, township, or municipal corporation.

(2) The total tax credit claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code for any one project shall not exceed ten million dollars for any calendar year, tax year, or taxable year.

(3) If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer, subject to division (I)(2) of this section.

(J) The director of development, in consultation with the director of budget and management, shall develop and adopt a system of tracking any information necessary to anticipate the impact of credits issued under this section and under section 149.312 of the Revised Code on tax revenues for current and future fiscal years. Such information may include the number of applications approved, the estimated rehabilitation expenditures and rehabilitation period associated with such applications, the number and amount of tax credit certificates issued, and any other information the director of budget and management requires for the purposes of this division.

(K) For purposes of this section and Chapter 122:19-1 of the Ohio Administrative Code, a tax credit certificate issued under this section is effective on the date that all historic buildings rehabilitated by the project are "placed in service,"

as that term is used in section 47 of the Internal Revenue Code.

Sec. 149.312. (A) As used in this section:

(1) "Historic building," "registered historic district," "rehabilitation," and "state historic preservation officer," or "officer," have the same meanings as in section 149.311 of the Revised Code.

(2) "Owner-occupied residential property" means a historic building, or portion thereof, occupied by the owner as the owner's primary residence during the rehabilitation period or within six months after the date the rehabilitation period ends.

(3) "Owner" means an individual or individuals holding the fee simple interest in an owner-occupied residential property. "Owner" does not include the state or a state agency, or any political subdivision, as defined in section 9.23 of the Revised Code.

(4) "Certificate owner" means an owner to whom a rehabilitation tax credit certificate has been issued under this section.

(5) "Qualified rehabilitation expenditures" means expenditures paid or incurred during the rehabilitation period by an owner to rehabilitate owner-occupied residential property. "Qualified rehabilitation expenditures" include architectural or engineering fees paid or incurred in connection with the rehabilitation and expenses incurred in the preparation of nomination forms for listing on the national register of historic places.

"Qualified rehabilitation expenditures" do not include any of the following:

(a) The cost of acquiring, expanding, or enlarging a historic building or an owner-occupied residential property;

(b) Costs for temporary features or items that are not capital improvements, such as appliances, furniture, window coverings, utilities, and taxes;

(c) Expenditures attributable to work done to facilities related to the historic building of which the owner-occupied residential property is a part, such as parking areas, sidewalks, and landscaping;

(d) New building construction costs.

(6) "Rehabilitation period" means one of the following:

(a) If the rehabilitation is initially not planned to be completed in stages, a period chosen by the owner not to exceed twenty-four months during which rehabilitation occurs;

(b) If the rehabilitation is initially planned to be completed in stages, a period chosen by the owner not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section.

(7) "Primary residence" means a homestead located in this state that is or will be the owner's principal place of residence for which the owner receives or will receive a reduction in real property taxes under division (B) of section 323.152 of the Revised Code.

(8) "Homestead" has the same meaning as in section 323.151 of the Revised Code.

(B) The owner of an owner-occupied residential property may apply to the director of development for a rehabilitation

tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner for the rehabilitation of the owner-occupied residential property.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates authorized under this section;

(2) Criteria for reviewing, evaluating, and approving applications for such certificates;

(3) Eligibility requirements for obtaining such a certificate;

(4) The form of such certificates;

(5) Reporting requirements and monitoring procedures for applicants for, and recipients of, such certificates;

(6) Any other rule necessary to implement and administer this section.

(C) The director shall review applications for rehabilitation tax credit certificates with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:

(1) The owner-occupied residential property that is the subject of the application is a historic building or a portion thereof, and the applicant is the owner of the historic building or portion that is owner-occupied residential property.

(2) The rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section.

(3) The historic building constituting or containing the owner-occupied residential property that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income housing project allocated a tax credit pursuant to 26 U.S.C. 42.

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the owner-occupied residential property.

(D)(1) A rehabilitation tax credit certificate shall not be issued for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of one hundred twenty thousand dollars in rehabilitation tax credits for any owner-occupied residential property. Beginning in fiscal year 2026, the director shall not approve more than a total of ten million dollars of rehabilitation tax credits per fiscal year under this section, but the director may reallocate unawarded or rescinded tax credits from a preceding fiscal year for new applicants, and such reallocated credits do not apply toward the limit

prescribed by this division. For joint owners of owner-occupied residential property filing separate returns under section 5747.08 of the Revised Code, a tax credit granted under this section may be claimed by either owner or divided equally, but the combined tax credits claimed shall not exceed the amount listed on the certificate.

(2) For rehabilitations with a rehabilitation period not exceeding twenty-four months as described in division (A)(6)(a) of this section, a rehabilitation tax credit certificate shall not be issued under this section before the rehabilitation of the historic building is completed.

(3) For rehabilitations with a rehabilitation period not exceeding sixty months as described in division (A)(6)(b) of this section, a rehabilitation tax credit certificate shall not be issued before a stage of rehabilitation is completed. After all stages of rehabilitation are completed, if the director cannot determine that the criteria in division (C) of this section are satisfied for all stages of rehabilitation, the director shall certify this finding to the tax commissioner, and any rehabilitation tax credits received by the applicant shall be repaid by the applicant and may be collected by assessment as unpaid tax by the commissioner.

(4) The director shall require the applicant to provide a third-party cost certification by a certified public accountant of the actual costs attributed to the rehabilitation of the owner-occupied residential property when qualified rehabilitation expenditures exceed two hundred thousand dollars.

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate under this section fails to provide to the director sufficient evidence of

reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant receives notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval is rescinded. Credits that would have been available to an applicant whose approval is rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval is rescinded from submitting a new application for a rehabilitation tax credit certificate.

(5) The director shall rescind the approval of any application submitted under this section if the historic building constituting or containing the owner-occupied residential property that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to 26 U.S.C. 42 at any time before the building's rehabilitation is complete.

(6) The director shall not issue more than one certificate under this section with respect to the same qualified rehabilitation expenditures.

(7) The director shall not issue a rehabilitation tax credit certificate under this section until the owner occupies the historic building as the owner's primary residence.

(E) Issuance of a certificate authorized by this section represents a finding by the director of the matters described in

division (C) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5747.761 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by a rule adopted under this section.

(F) The director may charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and section 5747.761 of the Revised Code. Any such fees collected shall be credited to the historic rehabilitation tax credit operating fund and used to pay reasonable costs incurred by the department of development in administering this section and section 5747.761 of the Revised Code.

The Ohio historic preservation office is authorized to charge reasonable fees in connection with its review and approval of applications under this section. Any such fees collected shall be credited to the historic rehabilitation tax credit operating fund and used to pay administrative costs incurred by the Ohio historic preservation office in administering this section.

Sec. 149.38. (A) Except as otherwise provided in section

307.847 of the Revised Code, there is hereby created in each county a county records commission, composed of a member of the board of county commissioners as chairperson, the prosecuting attorney, the auditor, the recorder, and the clerk of the court of common pleas. The commission shall appoint a secretary, who may or may not be a member of the commission and who shall serve at the pleasure of the commission. The commission may employ an archivist or records manager to serve under its direction. The commission shall meet upon the call of the chairperson.

(B)(1) The functions of the county records commission shall be to provide rules for retention and disposal of records of the county, and to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by county offices. The commission may dispose of records pursuant to the procedure outlined in this section. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule, subject to division (D) of this section.

(2)(a) As used in division (B)(2) of this section, "paper case records" means written reports of child abuse or neglect, written records of investigations, or other written records required to be prepared under section 2151.421, ~~5101.13,~~ 5153.166, ~~or~~ 5153.17, or 5180.40 of the Revised Code.

(b) A county public children services agency may submit to the county records commission applications for one-time disposal, or schedules of records retention and disposition, of paper case records that have been entered into permanently maintained and retrievable fields in the state automated child welfare information system established under section ~~5101.13~~ 5180.40 of the Revised Code or entered into other permanently

maintained and retrievable electronic files. The county records commission may dispose of the paper case records pursuant to the procedure outlined in this section.

(C)(1) When the county records commission has approved any county application for one-time disposal of obsolete records or any schedule of records retention and disposition, the commission shall send that application or schedule to the Ohio history connection for its review. The Ohio history connection shall review the application or schedule within a period of not more than sixty days after its receipt of it. During the sixty-day review period, the Ohio history connection may select for its custody from the application for one-time disposal of obsolete records any records it considers to be of continuing historical value, and shall denote upon any schedule of records retention and disposition any records for which the Ohio history connection will require a certificate of records disposal prior to their disposal.

(2) Upon completion of its review, the Ohio history connection shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the auditor of state for the auditor's approval or disapproval. The auditor of state shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.

(3) Before public records are to be disposed of pursuant to an approved schedule of records retention and disposition, the county records commission shall inform the Ohio history connection of the disposal through the submission of a certificate of records disposal for only the records required by the schedule to be disposed of and shall give the Ohio history

connection the opportunity for a period of fifteen business days to select for its custody those records, from the certificate submitted, that it considers to be of continuing historical value. Upon the expiration of the fifteen-business-day period, the county records commission also shall notify the public libraries, county historical society, state universities, and other public or quasi-public institutions, agencies, or corporations in the county that have provided the commission with their name and address for these notification purposes, that the commission has informed the Ohio history connection of the records disposal and that the notified entities, upon written agreement with the Ohio history connection pursuant to section 149.31 of the Revised Code, may select records of continuing historical value, including records that may be distributed to any of the notified entities under section 149.31 of the Revised Code. Any notified entity that notifies the county records commission of its intent to review and select records of continuing historical value from certificates of records disposal is responsible for the cost of any notice given and for the transportation of those records.

(D) The rules of the county records commission shall include a rule that requires any receipts, checks, vouchers, or other similar records pertaining to expenditures from the delinquent tax and assessment collection fund created in section 321.261 of the Revised Code, from the real estate assessment fund created in section 325.31 of the Revised Code, or from amounts allocated for the furtherance of justice to the county sheriff under section 325.071 of the Revised Code or to the prosecuting attorney under section 325.12 of the Revised Code to be retained for at least four years.

(E) No person shall knowingly violate the rule adopted

under division (D) of this section. Whoever violates that rule is guilty of a misdemeanor of the first degree.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of ~~job and family services~~ children and youth or, pursuant to section 3111.69 of the Revised Code, the office of

child support in the department of job and family services or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records ~~released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of~~ under section 5120.21 of the Revised Code, except for permitted disclosure of the information listed in division (E)(1) of that section;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Designated public service worker residential and familial information;

(q) In the case of a county hospital operated pursuant to

Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;

(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;

(dd) Personal information, as defined in section 149.45 of the Revised Code;

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address

confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.

(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;

(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an

individual who is the subject of the data or could be used to reveal that individual's identity;

(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section ~~3738.01~~ 5180.27 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared

under section ~~3738.08~~ 5180.277 of the Revised Code;

(mm) Except as otherwise provided in division (A)(1)(oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.

(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.

(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;

(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code,

statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code;

(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;

(ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;

(tt) Educational support services data, as defined in section 3319.325 of the Revised Code;

(uu) Records of the past, current, and future work schedule of a designated public service worker. As used in division (A)(1)(uu) of this section, "work schedule" does not include the docket of cases of a court, judge, or magistrate;

(vv) A request form or confirmation letter submitted to a public office under section 149.45 of the Revised Code;

(ww) An affidavit or confirmation letter submitted under section 319.28 of the Revised Code;

(xx) License or certificate application or renewal responses and supporting documentation submitted to the state medical board regarding an applicant's, or a license or certificate holder's, inability to practice according to acceptable and prevailing standards of care by reason of a medical condition;

(yy) Images and data captured by an automated license

plate recognition system that are maintained in a law enforcement database;

(zz) Records pertaining to burial sites under section 149.3010 of the Revised Code;

(aaa) All written and oral statements provided by a victim or victim's representative to the department of rehabilitation and correction in connection with the pendency of any pardon, commutation, or parole.

A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, or in the case of a record that is not a public record under division (A)(1)(uu) of this section that is retained, three years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, records pertaining to burial sites under section 149.3010 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

~~(2)~~ (2)(a) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

~~(a)~~ (i) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

~~(b)~~ (ii) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

~~(c)~~ (iii) Specific confidential investigatory techniques or procedures or specific investigatory work product;

~~(d)~~ (iv) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(b) As used in division (A)(2) of this section, "specific investigatory work product" means any record, thing, or item that documents the independent thought processes, factual findings, mental impressions, theories, strategies, opinions, or analyses of an investigating officer or an agent of an investigative agency or prosecuting attorney and also includes any documents and evidence collected, written or recorded interviews or statements, interview notes, test results, lab results, preliminary lab results, and other internal memoranda, things, or items created during any point of an investigation.

"Specific investigatory work product" does not include basic information regarding date, time, address, and type of incident.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee,

county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:

(i) The address of the actual personal residence of a prosecuting attorney or judge; and

(ii) The state or political subdivision in which a designated public service worker resides.

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits,

including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with

inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.

"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational

activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official"

have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the

performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;

(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;

(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency;

(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law

enforcement activities;

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(B)(1) Upon request by any person and subject to ~~division~~

divisions (B)(8) and (11) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to ~~division~~ divisions (B)(8) and (11) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time.

When considering whether a state or local law enforcement agency promptly prepared a video record for inspection or provided a video record for production within a reasonable period of time, in addition to any other factors, a court shall consider the time required for a state or local law enforcement agency to retrieve, download, review, redact, seek legal advice regarding, and produce the video record. Notwithstanding any other requirement set forth in Chapter 149. of the Revised Code, a state or local law enforcement agency may charge a requester the actual cost associated with preparing a video record for inspection or production, not to exceed seventy-five dollars per hour of video produced, nor seven hundred fifty dollars total. As used in this division, "actual cost," with respect to video records only, means all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request. A state or local law enforcement agency may include in its public records policy the requirement that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production. Where a state or local law enforcement

agency imposes such a requirement, its obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester. A state or local law enforcement agency shall provide the requester with the estimated actual cost within five business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, a state or local law enforcement agency may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty per cent higher than the estimated actual cost. A state or local law enforcement agency shall not charge a requester a difference that exceeds twenty per cent of the estimated actual cost.

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. When the auditor of state receives a request to inspect or to make a copy of a record that was provided to the auditor of state for purposes of an audit, but the original public office has asserted to the auditor of state that the record is not a public record, the auditor of state may handle the requests by directing the requestor to the original public office that provided the record

to the auditor of state.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or

federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be

duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a

criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person. As used in this division, "public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation were an adult" includes, but is not limited to, personnel files and payroll and attendance records of designated public service workers.

(9)(a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child, and any past, current, and future work schedules of the designated public service worker. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to

journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section 149.45 of the Revised Code;

(iii) A request form submitted to a public office under section 149.45 of the Revised Code;

(iv) An affidavit submitted under section 319.28 of the Revised Code.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A)(1)(ii) of this section to the victim, victim's attorney, or victim's representative.

(11) A public office or person responsible for public

records may designate one or more officials or employees to act as its public records officer or officers. The public office or person responsible for the public record may require a person making a request in accordance with division (B) of this section to address the person's request to the designated public records officer or officers. The public office shall include the designation of the public records officer or officers, and operative contact information for the public records officer or officers, in its policy adopted in accordance with division (E) of this section. The public office shall post operative contact information of the public records officer or officers on the internet web site of the public office if the public office maintains an internet web site.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may serve pursuant to Rule 4 of the Ohio Rules of Civil Procedure a complaint, on a form prescribed by the clerk of the court of claims, to the public office or person responsible for public records allegedly responsible for the alleged failure. Upon receipt of the complaint of the person allegedly aggrieved, the public office or person responsible for public records has three business days to cure or otherwise address the failure alleged in the complaint. The person allegedly aggrieved shall not file a complaint with a court or commence a mandamus action under this section within the three-day period. Upon the expiration of the three-day period, the

person allegedly aggrieved may, subject to the requirements of division (C)(2) of this section, do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(3) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) Upon filing a complaint or mandamus action with a court under divisions (C)(1)(a) or (b) of this section, a person allegedly aggrieved shall file with the court, in conjunction with the person's complaint or petition, a written affirmation stating that the person properly transmitted a complaint to the public office or person responsible for public records, the failure alleged in the complaint has not been cured or otherwise resolved to the person's satisfaction, and that the complaint was transmitted to the public office or person responsible for public records at least three business days before the filing of

the suit. If the person fails to file an affirmation pursuant to this division, the suit shall be dismissed.

(3) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section. Statutory damages are not available pursuant to this section to a person committed to the custody of the department of rehabilitation and correction or the United States bureau of prisons, or a child committed to the department of youth services as permitted in Chapter 2152. of the Revised Code.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) In a mandamus action filed under division (C)(1) of this section, the following apply:

(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in

division (C)(4)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(5) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator

commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(5) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(4)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was

made available to the relator and the fees described in division (C)(5)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section.

(6) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place.

(2) All public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules

pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time

spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.

Sec. 153.01. (A) Whenever any building or structure for the use of the state or any institution supported in whole or in part by the state or in or upon the public works of the state that is administered by the Ohio facilities construction commission or by any other state officer or state agency authorized by law to administer a project, including an educational institution listed in section 3345.50 of the Revised Code, is to be erected or constructed, whenever additions, alterations, or structural or other improvements are to be made, or whenever heating, cooling, or ventilating plants or other equipment is to be installed or material supplied therefor, the estimated cost of which amounts to two hundred thousand dollars or more, or the amount determined pursuant to section 153.53 of the Revised Code or more, each officer, board, or other

authority upon which devolves the duty of constructing, erecting, altering, or installing the same, referred to in sections 153.01 to 153.60 of the Revised Code as the public authority, shall cause to be made, by an architect or engineer whose contract of employment shall be prepared and approved by the attorney general, the following:

(1) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement, addition, alteration, or installation;

(2) Details to scale and full-sized, so drawn and represented as to be easily understood;

(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

(5) A life-cycle cost analysis;

(6) Further data as may be required by the Ohio facilities construction commission.

In preparing these plans, details, specifications, estimates, analyses, or other data, the public authority may require the architect or engineer to use a building information model system, as long as the system is based on a nationally recognized standard for building information models. As used in this division, "building information model" means a digital representation of physical and functional characteristics of a facility, and electronic files used to design and coordinate the project, whether it is a single model or multiple models used in

the aggregate.

(B)(1) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code, an integrated project delivery contract entered into with an integrated project contractor as described in section 153.65 of the Revised Code, or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.

(2) Nothing in this chapter shall interfere with the power of the director of transportation to prepare plans for, acquire rights-of-way for, construct, or maintain roads, highways, or bridges, or to let contracts for those purposes.

Sec. 153.013. (A) As used in this section~~, "indefinite~~ :

"Indefinite delivery indefinite quantity contract" means a contract for an indefinite quantity, within stated limits, of supplies or services that will be delivered by the awarded bidder over a defined contract period.

"Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, or any public agency, authority, board, commission, or instrumentality of the state.

(B) The executive director of the capitol square review and advisory board, with the approval of the board, may advertise and seek bids for, and may award, an indefinite delivery indefinite quantity contract for an architect or engineer on an on-call, multi-project basis, to advise and consult with the capitol square review and advisory board for a defined contract period. To enter into an indefinite delivery

indefinite quantity contract the executive director shall do all of the following:

(1) Prepare bidding documents;

(2) Establish contract forms;

(3) Determine contract terms and conditions, including the following:

(a) The maximum overall value of the contract, which may include an allowable increase of five per cent of the advertised contract value;

(b) The duration of the contract, not to exceed two years.

(4) Take any other action necessary to fulfill the duties and obligations of the executive director under this section.

(C) A public authority may enter into an indefinite delivery indefinite quantity contract without controlling board approval if the contract meets all of the following requirements:

(1) The contract is with a prequalified vendor, as described in division (D) of this section.

(2) The contract is awarded through a competitive bidding process in which the public authority identifies at least three prequalified vendors to bid on the contract and solicits proposals from those prequalified vendors, unless the public authority establishes that there are fewer than three prequalified vendors available.

(3) The contract value does not exceed one million dollars, which may include an increase of up to ten per cent of the advertised contract value.

(D) The Ohio facilities construction commission may establish a list of prequalified vendors for indefinite delivery indefinite quantity contracts. The commission shall adopt rules that establish all of the following:

(1) Objective prequalification criteria for vendors;

(2) A process for public authorities to use the list of prequalified vendors;

(3) The form, terms, and conditions of indefinite delivery indefinite quantity contracts.

(E) The requirements set forth in this section prevail in the event of any conflict with any other provision of this chapter.

Sec. 153.07. The notice provided for in section 153.06 of the Revised Code shall be published by electronic means~~once each week for three consecutive weeks in a newspaper of general circulation, or as provided in section 7.16 of the Revised Code~~, and may be published in other news media in the county where the activity for which bids are submitted is to occur~~ and in such other newspapers as ordered by the Ohio facilities construction commission, the last publication to~~ . The notice shall invite interested parties to submit proposals for consideration and shall be published at least ~~eight~~fourteen days preceding the day for opening the bids, ~~and~~ in ~~such form and with such phraseology~~ a manner as prescribed by the commission~~ orders~~. Copies of the plans, details, estimates of cost, and specifications shall be available electronically or open to public inspection at all business hours between the day of the first publication and the day for opening the bids, at the office of the commission where the bids are received, and such

other place as may be designated in such notice.

Sec. 153.08. On the day and at the place named in the notice provided for in section 153.06 of the Revised Code, the owner referred to in section 153.01 of the Revised Code shall open the bids and shall publicly, with the assistance of the architect or engineer, immediately proceed to tabulate the bids. For a bid filed electronically, the public bid opening may be broadcast by electronic means pursuant to rules established by the Ohio facilities construction commission. A bid shall be invalid and not considered unless a bid guaranty meeting the requirements of section 153.54 of the Revised Code and in the form approved by the commission is filed with such bid. For a bid that is not filed electronically, the bid and bid guaranty shall be filed in one sealed envelope. If the bid and bid guaranty are filed electronically, they must be received electronically before the deadline published pursuant to section 153.06 of the Revised Code. For all bids filed electronically, the original, unaltered bid guaranty shall be made available to the public authority after the public bid opening, which may be achieved by means of an electronic verification and security system established under rules adopted by the Ohio facilities construction commission under Chapter 119. of the Revised Code. After investigation, which shall be completed within thirty days, the contract shall be awarded by such owner to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code.

No contract shall be entered into until the industrial commission has certified that the person so awarded the contract has complied with sections 4123.01 to 4123.94 of the Revised Code, until, if the bidder so awarded the contract is a foreign corporation, the secretary of state has certified that such

corporation is authorized to do business in this state, until, if the bidder so awarded the contract is a person nonresident of this state, such person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under section 153.05 of the Revised Code or under sections 4123.01 to 4123.94 of the Revised Code, and until the contract and bond, if any, are submitted to the attorney general and the attorney general's approval certified thereon.

No contract shall be entered into unless the bidder possesses a valid certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than ~~one hundred eighty days~~ two years prior to the date fixed for the opening of bids for a particular project.

Sec. 153.09. If in the opinion of the owner referred to in section 153.01 of the Revised Code, the award of a contract to the lowest responsive and responsible bidder is not in the best interests of the state, the owner may accept another bid so opened or reject all bids, and advertise for other bids. Such advertisement shall be for such time, in such form, and ~~in~~ by such ~~newspaper~~ electronic media as the Ohio facilities construction commission directs. All contracts shall provide that such owner may make any change in work or materials on the conditions and in the manner provided in sections 153.10 and 153.11 of the Revised Code.

Sec. 153.12. (A) With respect to award of any contract for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement made by the state, or any county, township,

municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, the award, and execution of the contract, shall be made within sixty days after the date on which the bids are opened. The failure to award and execute the contract within sixty days invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent of the owner or its representatives and the bidder whose bid the owner accepts and with respect to whom the owner subsequently awards and executes a contract. The public owners referred to in this section shall include, in the plans and specifications for the project for which bids are solicited, the estimate of cost. The bid for which the award is to be made shall be opened at the time and place named in the advertisement for bids, unless extended by the owner or its representative or unless, within seventy-two hours prior to the published time for the opening of bids, excluding Saturdays, Sundays, and legal holidays, any modification of the plans or specifications and estimates of cost for the project for which bids are solicited is issued and mailed or otherwise furnished to persons who have obtained plans or specifications for the project, for which the time for opening of bids shall be extended one week, with no further advertising of bids required. The contractor, upon request, is entitled to a notice to proceed with the work by the owner or its representative upon execution of the contract. No contract to which this section applies shall be entered into if the price of the contract, or, if the project involves multiple contracts where the total price of all contracts for the project, is in excess of ten per cent, in the case of a contract made by the state or a public board,

commission, authority, or instrumentality of the state, or twenty per cent, in the case of a contract made by a county, township, municipal corporation, school district, special purpose district, or other political subdivision or a public board, commission, authority, or instrumentality of the political subdivision, above the entire estimate thereof, nor shall the entire cost of the construction, reconstruction, repair, painting, decorating, improvement, alteration, addition, or installation, including changes and estimates of expenses for architects or engineers, exceed in the aggregate the amount authorized by law.

The unit or lump sum price stated in the contract shall be used in determining the amount to be paid and shall constitute full and final compensation for all the work.

Partial payment to the contractor for work performed under the lump sum price shall be based on a schedule prepared by the contractor and approved by the architect or engineer who shall apportion the lump sum price to the major components entering into or forming a part of the work under the lump sum price.

Partial payments to the contractor for labor performed under either a unit or lump sum price contract shall be made at ~~the~~ a rate of ~~ninety-two~~ not less than ninety-six per cent of the estimates prepared by the contractor and approved by the architect or engineer. ~~All labor performed after the job is fifty per cent completed shall be paid for at the rate of one hundred per cent of the estimates submitted by the contractor and approved by the architect or engineer.~~ No subcontract shall be paid at a rate lower than the rate being paid to the contractor by the public authority.

The amounts and time of payments of any public

improvements contract made by the state or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, except as provided in section 5525.19 of the Revised Code, shall be governed by this section and sections 153.13 and 153.14 of the Revised Code. If the time for awarding the contract is extended by mutual consent, or if the owner or its representative fails to issue a timely notice to proceed as required by this section, the owner or its representative shall issue a change order authorizing delay costs to the contractor, which does not invalidate the contract. The amount of such a change order to the owner shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, the cost to the owner shall be the contractor's actual costs including wages, labor costs other than wages, wage taxes, materials, equipment costs and rentals, insurance, and subcontracts attributable to the delay, plus a reasonable sum for overhead. In the event of a dispute between the owner and the contractor concerning such change order, procedures shall be commenced under the applicable terms of the contract, or, if the contract contains no provision for resolving the dispute, it shall be resolved pursuant to the procedures for arbitration in Chapter 2711. of the Revised Code, except as provided in division (B) of this section. Nothing in this division shall be construed as a limitation upon the authority of the director of transportation granted in Chapter 5525. of the Revised Code.

(B) If a dispute arises between the state and a contractor concerning the terms of a public improvement contract let by the

state or concerning a breach of the contract, and after administrative remedies provided for in such contract and any alternative dispute resolution procedures provided in accordance with guidelines established by the executive director of the Ohio facilities construction commission are exhausted, the contractor may bring an action to the court of claims in accordance with Chapter 2743. of the Revised Code. The state or the contractor may request the chief justice of the supreme court to appoint a referee or panel of referees in accordance with division (C)(3) of section 2743.03 of the Revised Code. As used in this division, "dispute" means a disagreement between the state and the contractor concerning a public improvement contract let by the state.

Sec. 153.13. At the time named in the contract for payment to the person with whom it is made, the owner referred to in section 153.01 or 153.12 of the Revised Code shall approve a full, accurate, and detailed estimate of the various kinds of labor performed and material furnished under the contract, with the amount due for each kind of labor and material and the materials and amount due in the aggregate, which estimate shall be based upon actual measurement of such labor and materials, and shall give the amounts of the preceding estimate, and the amount of labor performed and materials furnished since the last estimate. ~~From the date the contract is fifty per cent complete, as evidenced by payments in the amount of at least fifty per cent of the contract to the person with whom the owner has contracted, except in the case of contracts the total cost of which is less than fifteen thousand dollars, all funds retained pursuant to sections 153.12 and 153.14 of the Revised Code for the faithful performance of work shall be deposited in the escrow account designated in section 153.63 of the Revised Code.~~

~~After the contract is fifty per cent complete, no further funds shall be retained.~~ When the major portion of the project is substantially completed and occupied, or in use, or otherwise accepted, and there exists no other reason to withhold retainage, the retained percentages held in connection with such portion shall be ~~released from escrow and~~ paid to the contractor, withholding only that amount necessary to assure completion. ~~Funds in the escrow account not heretofore paid, with accumulated interest, shall be paid to the person with whom the owner has contracted thirty days from the date of completion or either acceptance or occupancy by the owner. Such payments shall be in accordance with division (A)(2) of section 153.63 of the Revised Code.~~ Any retained funds and interest thereon accrued during the project shall be considered property of the contractor. Any retained funds and interest thereon accrued during the project shall be paid to the primary contractor not later than thirty days after the date of substantial completion of the work. Nothing in this section shall be construed as a limitation upon the authority of the director of transportation granted in Chapter 5525. of the Revised Code.

Sec. 153.14. For the construction of those projects, improvements, and public buildings over which the Ohio facilities construction commission has general supervision pursuant to section 123.21 of the Revised Code, the estimates referred to in section 153.13 of the Revised Code shall be filed with the executive director by the owner referred to in section 153.01 or 153.12 of the Revised Code. Upon completion of a project referred to in section 153.13 of the Revised Code or any divisible part thereof, the maintenance and repair of such project or divisible part shall be assumed by the owner referred to in section 153.01 or 153.12 of the Revised Code.

In addition to all other payments on account of work performed, there shall be allowed by the owner referred to in section 153.01 or 153.12 of the Revised Code and paid to the contractor a sum at the rate of ninety-two per cent of the invoice costs, not to exceed the bid price in a unit price contract, of material delivered on the site of the work, or a railroad station, siding, or other point in the vicinity of the work, or other approved storage site, provided such materials have been inspected and found to meet the specifications. The balance of such invoiced value shall be paid when such material is incorporated into and becomes a part of such building, construction, addition, improvement, alteration, or installation. When an estimate is allowed on account of material delivered on the site of the work or in the vicinity thereof or under the possession and control of the contractor but not yet incorporated therein, such material shall become the property of the owner under the contract, but if such material is stolen, destroyed, or damaged by casualty before being used, the contractor shall be required to replace it at the contractor's own expense.

When the rate of work and amounts involved are so large that it is considered advisable by the owner or contractor, estimates and payments shall be made twice each month.

Payment on approved estimates filed with the owner or its representative shall be made within thirty days. Upon the failure of the owner or its representative to make such payments within thirty days, or upon an unauthorized withholding of retainage, there shall be allowed to the contractor, in addition to any other remedies allowed by law, interest on such moneys not paid within thirty days. Interest on the unauthorized withholding of retainage shall be in addition to any interest

earned ~~in the escrow account set forth~~ as described in section 153.13 of the Revised Code. The rate of such interest shall be the average of the prime rate established at the commercial banks in the city of over one hundred thousand population that is nearest the construction project. Nothing in this section shall be construed as a limitation upon the authority of the director of transportation granted in Chapter 5525. of the Revised Code.

Sec. 153.50. (A) As used in sections 153.50 to 153.52 of the Revised Code:

(1) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code.

(2) "Design-assist services" means monitoring and assisting in the completion of the plans and specifications.

(3) "Design-assist firm" means a person capable of providing design-assist services.

(4) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.

(5) "General contracting" means constructing and managing an entire public improvement project, including the branches or classes of work specified in division (B) of this section, under the award of a single aggregate lump sum contract.

(6) "General contracting firm" means a person capable of performing general contracting.

(7) "Integrated project delivery contract" and "integrated project contractor" have the same meanings as in section 153.65 of the Revised Code.

(B) Except for contracts made with a construction manager

at risk, with a design-build firm, with an integrated project contractor, or with a general contracting firm, an officer, board, or other authority of the state, a county, township, municipal corporation, or school district, or of any public institution belonging thereto, authorized to contract for the erection, repair, alteration, or rebuilding of a public building, institution, bridge, culvert, or improvement and required by law to advertise and receive bids for furnishing of materials and doing the work necessary for the erection thereof, shall require separate and distinct bids to be made for furnishing such materials or doing such work, or both, in their discretion, for each of the following branches or classes of work to be performed, and all work kindred thereto, entering into the improvement:

(1) Plumbing and gas fitting;

(2) Steam and hot-water heating, ventilating apparatus, and steam-power plant;

(3) Electrical equipment.

Sec. 153.501. (A) A public authority may accept a subcontract awarded by a construction manager at risk, an integrated project contractor, a design-build firm, or a general contracting firm, or may reject any such subcontract if the public authority determines that the bidder is not responsible.

(B) A public authority may authorize a construction manager at risk or design-build firm to utilize a design-assist firm on any public improvement project without transferring any design liability to the design-assist firm.

(C) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-

perform a portion of the work to be performed, the construction manager at risk or design-build firm shall submit a sealed bid to the public authority for the portion of the work prior to accepting and opening any bids for the same work, except when the public authority requests a guaranteed maximum price proposal due at the time of selection.

Sec. 153.502. (A) Each construction manager at risk, integrated project contractor, and design-build firm shall establish criteria by which it will prequalify prospective bidders on subcontracts awarded for work to be performed under the construction management, integrated project delivery, or design-build contract. The criteria established by a construction manager at risk, integrated project contractor, or design-build firm shall be subject to the approval of the public authority involved in the project and shall be consistent with the rules adopted by the Ohio facilities construction commission pursuant to section 153.503 of the Revised Code.

(B) For each subcontract to be awarded, the construction manager at risk, integrated project contractor, or design-build firm shall identify at least three prospective bidders that are prequalified to bid on that subcontract, except that the construction manager at risk, integrated project contractor, or design-build firm shall identify fewer than three if the construction manager at risk, integrated project contractor, or design-build firm establishes to the satisfaction of the public authority that fewer than three prequalified bidders are available. The public authority shall verify that each prospective bidder meets the prequalification criteria and may eliminate any bidder it determines is not qualified.

(C) Once the prospective bidders are prequalified and

found acceptable by the public authority, the construction manager at risk, integrated project contractor, or design-build firm shall solicit proposals from each of those bidders. The solicitation and selection of a subcontractor shall be conducted under an open book pricing method. As used in this division, "open book pricing method" has the same meaning as in section 9.33 of the Revised Code, in the case of a construction manager at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm or an integrated project contractor.

(D) A construction manager at risk, integrated project contractor, or design-build firm shall not be required to award a subcontract to a low bidder.

Sec. 153.503. The Ohio facilities construction commission, pursuant to Chapter 119. of the Revised Code, shall adopt rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk, integrated project contractor, or design-build firm;

(B) Set forth standards to be followed by construction managers at risk, integrated project contractors, and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code;

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, integrated project contractor, design-build firm, or general contractor when entering into a subcontract;

(D) Prescribe the form for the contract documents to be used by a public authority when entering into a contract with a

construction manager at risk or design-build firm;

(E) Prescribe the form for the contract documents to be used by a public authority when entering into a multi-party integrated project delivery contract with both a professional design firm and an integrated project contractor.

Sec. 153.54. (A) Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person bidding for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for any public improvement shall file with the bid, a bid guaranty in the form of ~~either~~any of the following:

(1) A bond in accordance with division (B) of this section for the full amount of the bid;

(2) A certified check, cashier's check, or letter of credit pursuant to Chapter 1305. of the Revised Code, in accordance with division (C) of this section. Any such letter of credit is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency. The amount of the certified check, cashier's check, or letter of credit shall be equal to ten per cent of the bid;

(3) An electronic verification through an electronic verification and security system described in section 153.08 of the Revised Code, if the state or any political subdivision, district, institution, or other agency thereof accepts bids electronically pursuant to section 153.08 of the Revised Code.

(B) A bid guaranty filed pursuant to division (A)(1) of this section shall be conditioned to:

(1) Provide that, if the bid is accepted, the bidder,

after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, and specifications. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder and the surety on the bidder's bond are liable to the state, political subdivision, district, institution, or agency for the difference between the bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bond, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract and the surety on the bidder's bond, except as provided in division (G) of this section, are liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less.

(2) Indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer

having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(C)(1) A bid guaranty filed pursuant to division (A)(2) of this section shall be conditioned to provide that if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder is liable to the state, political subdivision, district, institution, or agency for the difference between the bidder's bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bid, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract, except as provided in division (G) of this section, is liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less.

If the bidder enters into the contract, the bidder, at the time the contract is entered to, shall file a bond for the amount of the contract to indemnify the state, political subdivision, district, institution, or agency against all damage

suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(2) A construction manager who enters into a contract pursuant to sections 9.33 to 9.333 of the Revised Code, if required by the public authority at the time the construction manager enters into the contract, shall file a letter of credit pursuant to Chapter 1305. of the Revised Code, bond, certified check, or cashier's check, for the value of the construction management contract to indemnify the state, political subdivision, district, institution, or agency against all damage suffered by the construction manager's failure to perform the contract according to its provisions, and shall agree and assent that this undertaking is for the benefit of the state, political subdivision, district, institution, or agency. A letter of credit provided by the construction manager is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency.

(D) Where the state, political subdivision, district, institution, or agency accepts a bid but the bidder fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications within ten days after the awarding of the contract, the bidder and the surety on any bond, except as provided in division (G) of this section, are liable for the amount of the difference between the bidder's bid

and that of the next lowest bidder, but not in excess of the liability specified in division (B)(1) or (C) of this section. Where the state, political subdivision, district, institution, or agency then awards the bid to such next lowest bidder and such next lowest bidder also fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications within ten days after the awarding of the contract, the liability of such next lowest bidder, except as provided in division (G) of this section, is the amount of the difference between the bids of such next lowest bidder and the third lowest bidder, but not in excess of the liability specified in division (B)(1) or (C) of this section. Liability on account of an award to any lowest bidder beyond the third lowest bidder shall be determined in like manner.

(E) Notwithstanding division (C) of this section, where the state, political subdivision, district, institution, or agency resubmits the project for bidding, each bidder whose bid was accepted but who failed or refused to enter into a proper contract, except as provided in division (G) of this section, is liable for an equal share of a penal sum in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, but no bidder's liability shall exceed the amount of the bidder's bid guaranty.

(F) All bid guaranties filed pursuant to this section shall be payable to the state, political subdivision, district, institution, or agency, be for the benefit of the state, political subdivision, district, institution, or agency or any person having a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state, political subdivision, district, institution, or

agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than one-half million dollars, and if the surety certifies in good faith that the bidder is unable to perform the subsequent contract because to do so would exceed the bidder's bonding capacity. If a bid is withdrawn under authority of this division, the contracting authority may award the contract to the next lowest bidder or reject all bids and resubmit the project for bidding, and neither the bidder nor the surety on the bidder's bond are liable for the difference between the bidder's bid and that of the next lowest bidder, for a penal sum, or for the costs of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this section shall be returned to all unsuccessful bidders immediately after the contract is executed. The bid guaranty

filed pursuant to division (A)(2) of this section shall be returned to the successful bidder upon filing of the bond required in division (C) of this section.

(I) For the purposes of this section and sections 153.56, 153.57, and 153.571 of the Revised Code, "public improvement," "subcontractor," "material supplier," "laborer," and "materials" have the same meanings as in section 1311.25 of the Revised Code.

Sec. 153.63. (A) Any money which is due from the public owner referred to in section ~~153.12~~ 1311.28 of the Revised Code under a contract entered into under this chapter or entered into under other applicable sections of the Revised Code for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement shall, on the day it is due, be paid to the contractor or deposited in an escrow account, whichever is applicable, with one or more banks or building and loan associations in the state selected by mutual agreement between the contractor and the public owner. The agreement shall contain the following provisions:

(1) The money shall be deposited in a savings account or the escrow agent shall promptly invest all of the escrowed principal in obligations selected by the escrow agent, as stipulated in the agreement.

(2) The escrow agent shall hold the escrowed principal and income until receipt of notice from the public owner and the contractor, or until receipt of an arbitration order or an order of the court of claims specifying the amount of the escrowed principal to be released and the person to whom it is to be released. Upon receipt of the notice or order, the agent shall

promptly pay such amount of principal and a proportionate amount of the escrowed income to the person indicated.

(3) The escrow agent shall be compensated for its services as agreed to by the public owner and the contractor from the income from the escrow account.

The agreement may include other provisions not inconsistent with this section, including, but not limited to granting authority for the escrow agent to commingle the escrowed funds with funds held pursuant to other escrow agreements and limiting the liability of the escrow agent.

(B) When the public owner, as defined in division (B) of section 2743.01 of the Revised Code, and the contractor disagree as to the conditions under which money is to be paid under this section, the parties shall apply for a decision by arbitration under the procedures of Chapter 2711. of the Revised Code. When an application is made, neither party shall initiate, and no court shall permit the maintenance of, an action in court for decision of the same issues sought to be determined in the arbitration application. The award made by the arbitrator may include the costs of arbitration. The arbitration shall be binding on all parties.

(C) When the public owner, as defined in division (A) of section 2743.01 of the Revised Code, and the contractor disagree as to the conditions under which money is to be paid under this section the contractor shall file an action in the court of claims.

(D) If the money required to be paid or deposited under division (A) of this section is not paid or deposited, the governmental entity shall pay to the contractor an amount equal

to eight per cent annual interest compounded daily.

Sec. 153.65. As used in sections 153.65 to 153.73 of the Revised Code:

(A)(1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a political subdivision.

(2) "Public authority" does not include the director of transportation when exercising the director's authority to prepare plans for, acquire rights-of-way for, construct, or maintain roads, highways, or bridges.

(B) "Professional design firm" means any person legally engaged in rendering professional design services.

(C) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.

(D) "Qualifications" means all of the following:

(1)(a) For a professional design firm, competence to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;

(b) For a design-build firm, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.

(2) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously;

(3) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;

(4) Any other relevant factors as determined by the public authority;

(5) With respect to a design-build firm, compliance with sections 4703.182, 4703.332, and 4733.16 of the Revised Code, including the use of a licensed design professional for all design services.

(E) "Design-build contract" means a contract between a public authority and another person that obligates the person to provide design-build services.

(F) "Design-build firm" means a person capable of providing design-build services.

(G) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction,

demolition, alteration, repair, or reconstruction of a public improvement.

(H) "Architect or engineer of record" means the architect or engineer that serves as the final signatory on the plans and specifications for the design-build project.

(I) "Criteria architect or engineer" means the architect or engineer retained by a public authority to prepare conceptual plans and specifications, to assist the public authority in connection with the establishment of the design criteria for a design-build project, and, if requested by the public authority, to serve as the representative of the public authority and provide, during the design-build project, other design and construction administration services on behalf of the public authority, including but not limited to, confirming that the design prepared by the design-build firm reflects the original design intent established in the design criteria package.

(J) "Open book pricing method" means a method in which a design-build firm or integrated project contractor provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build or integrated project delivery services awarded to the design-build firm or integrated project contractor.

(K) "Integrated project delivery" means a method to deliver a capital project through a multi-party agreement, executed by at least three parties, among a team comprised of a public authority, a professional design firm as described in section 153.693 of the Revised Code, and an integrated project contractor, commencing at early design and continuing through to

project completion.

(L) "Integrated project contractor" means a person with the ability to plan, coordinate, manage, direct, and execute all phases of a capital project through integrated project delivery, including the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement.

Sec. 153.693. ~~(A)~~ (A)(1) For every design-build contract, the public authority planning to contract for design-build services, in consultation with the criteria architect or engineer, shall evaluate the statements of qualifications submitted by design-build firms specifically regarding the project, including the design-build firm's proposed architect or engineer of record.

(2) For projects valued at less than four million dollars, the public authority may require the design-build firm to submit a statement along with a pricing proposal described in division (B)(2)(h) of this section. The public authority shall provide each design-build firm who desires to submit both a statement and a proposal a pre-proposal meeting to explore the proposals further, in which the public authority shall provide the design-build firm with a description of the project, including the scope and nature of the proposed services and potential technical approaches. The Ohio facilities construction commission shall biannually adjust for the rate of inflation, as defined in section 107.032 of the Revised Code and as of the effective date of this amendment, the maximum project value amount indicated in this division and post this amount on the commission's web site.

(B) Following this evaluation, the public authority shall:

(1) Select and rank not fewer than three firms which it considers to be the most qualified to provide the required design-build services, except that the public authority shall select and rank fewer than three firms when the public authority determines in writing that fewer than three qualified firms are available;

(2) Provide each selected design-build firm with all of the following:

(a) A description of the project and project delivery;

(b) The design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;

(c) A preliminary project schedule;

(d) A description of any preconstruction services;

(e) A description of the proposed design services;

(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;

(g) The form of the design-build services contract;

(h) ~~A~~ Except for projects under division (A)(2) of this section, a request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design-build services fee. The pricing proposal of each design-build firm shall include at least all of the following:

(i) A list of key personnel and consultants for the project;

(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section

153.692 of the Revised Code;

(iii) The design-build firm's statement of general conditions and estimated contingency requirements;

(iv) A preliminary project schedule.

(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;

(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing proposal, with such evaluation considering each firm's proposed costs and qualifications;

(5) Enter into contract negotiations for design-build services with the design-build firm whose pricing proposal the public authority determines to be the best value under this section.

~~(B)~~ (C) In complying with division ~~(A)(5)~~ (B)(5) of this section, contract negotiations shall be directed toward:

(1) Ensuring that the design-build firm and the public authority mutually understand the essential requirements involved in providing the required design-build services, the provisions for the use of contingency funds, and the terms of the contract, including terms related to the possible distribution of savings in the final costs of the project;

(2) Ensuring that the design-build firm shall be able to provide the necessary personnel, equipment, and facilities to perform the design-build services within the time required by

the design-build construction contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the design-build firm for the project and that shall include the costs of all work, the cost of its general conditions, the contingency, and the fee payable to the design-build firm.

~~(C)~~ (D) If the public authority fails to negotiate a contract with the design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, the public authority shall inform the design-build firm in writing of the termination of negotiations. The public authority may then do the following:

(1) Negotiate a contract with a design-build firm ranked next highest under this section following the negotiation procedure described in this section;

(2) If negotiations fail with the design-build firm under division ~~(C)(1)~~ (D)(1) of this section, negotiate a contract with the design-build firm ranked next highest under this section following the negotiation procedure described in this section and continue negotiating with the design-build firms selected under this section in the order of their ranking until a contract is negotiated.

~~(D)~~ (E) If the public authority fails to negotiate a contract with a design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, it may select additional design-build firms to provide pricing proposals to the public authority pursuant to

this section or may select an alternative delivery method for the project.

~~(E)~~ (F) The public authority may provide a stipend for pricing proposals received from design-build firms.

~~(F)~~ (G) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

Sec. 153.695. (A) For every integrated project delivery contract, the public authority planning to contract for integrated project delivery services shall evaluate the statements of qualifications submitted by integrated project contractors specifically regarding the project. Following this evaluation, the public authority shall do all of the following:

(1) Select not fewer than three firms that it considers to be the most qualified to provide the required integrated project delivery construction services, except that the public authority may select fewer than three firms when the public authority determines in writing that fewer than three qualified firms are available;

(2) Provide each selected integrated project contractor with all of the following:

(a) A description of the project and project delivery;

(b) A preliminary project schedule;

(c) A description of any preconstruction services;

(d) A description of a target price, including the estimated level of design on which such target price is based;

(e) The form of the integrated project delivery contract,

which shall define target price, schedule, and quality of the project, establish collaboration and decision-making processes, and share risk by linking compensation and incentives to project outcomes;

(f) A request for a pricing proposal that shall be divided into a preconstruction and integrated project delivery services fee, which shall include at least both of the following:

(i) A list of key personnel and consultants for the project;

(ii) A preliminary project schedule.

(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;

(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing proposal, with such evaluation considering each firm's proposed costs and qualifications;

(5) Enter into contract negotiations for integrated project delivery construction services with the integrated project contractor whose pricing proposal the public authority ranks the highest under this section.

(B) In negotiating with integrated project contractors under this section, the public authority shall do all of the following:

(1) Ensure that the integrated project contractor and the public authority mutually understand the essential requirements

involved in providing the required integrated project delivery construction services, the provisions for the use of contingency funds, and the terms of the contract, including terms related to the possible distribution of savings in the final costs of the project;

(2) Ensure that the integrated project contractor will be able to provide the necessary personnel, equipment, and facilities to perform the integrated project services within the time required by the contract;

(3) Use an open book pricing method to attempt to agree upon a procedure and schedule for determining a target price for the project, which shall include the cost of all work, the cost of its general conditions, the contingency, and the fee payable to the integrated project contractor.

(C) If the public authority fails to negotiate a contract with the integrated project contractor ranked highest under this section, the public authority shall inform the integrated project contractor in writing of the termination of negotiations. The public authority then may negotiate a contract with the integrated project contractor ranked next highest under this section, following the negotiation procedure described in this section. If negotiations fail with the second integrated project contractor, the public authority may negotiate a contract with the integrated project contractor ranked next highest, and may continue negotiating with the integrated project contractors selected under this section in the order of their ranking until a contract is negotiated.

(D) If the public authority fails to negotiate a contract with an integrated project contractor under this section, the public authority may select additional integrated project

contractors to provide pricing proposals to the public authority pursuant to this section, or may select an alternative delivery method for the project.

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

(F) Before construction begins pursuant to an integrated project delivery contract, the integrated project contractor shall provide a surety bond to the public authority in accordance with rules adopted by the executive director of the Ohio facilities construction commission under Chapter 119. of the Revised Code.

Sec. 164.01. As used in this chapter:

(A) "Capital improvement" or "capital improvement project" or "project" means the acquisition, construction, reconstruction, improvement, planning, and equipping of roads and bridges, appurtenances to roads and bridges to enhance the safety of animal-drawn vehicles, pedestrians, and bicycles, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related or incidental to those facilities.

(B) "Local subdivision" means any county, municipal corporation, township, sanitary district, or regional water and sewer district.

(C) "Bond proceedings" means the resolutions, orders, trust agreements, indentures, and other agreements, credit facilities and credit enhancement facilities, and amendments and

supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of obligations, and the provisions contained in those obligations.

(D) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, and any redemption premium payable on obligations. If not prohibited by the applicable bond proceedings, bond service charges include costs of credit enhancement facilities that are related to, and represent or are intended to provide a source of payment of or limitation on, other bond service charges.

(E) "Bond service fund" means the fund, and any accounts in that fund, created by section 164.10 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as provided in the bond proceedings.

(F) "Cost of capital improvement projects" means the costs of acquiring, constructing, reconstructing, expanding, improving, and engineering capital improvement projects, and related financing costs.

(G) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, interest rate hedges including, without limitation, interest rate swaps, insurance or surety arrangements, reserve or guarantee funds, and guarantees, and other arrangements that provide for contingent or direct payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of obligations, or

for making or providing funds for making payment of bond service charges to, and at the option and on demand of, holders of obligations or at the option of the issuer under put or similar arrangements, or for otherwise supporting the credit or liquidity of obligations, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, purchase, and subrogation agreements, and other agreements and arrangements for reimbursement of the person providing the credit enhancement facility and the security for that reimbursement. As used in this division, obligations include debt obligations of local subdivisions.

(H) "Financing costs" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, and servicing of obligations, including, without limitation, costs and expenses for or relating to, or payment obligations under, publication and printing, postage and express delivery, official statements, offering circulars, and informational statements, travel and transportation, paying agents, bond registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, original issue discount, credit facilities, and credit enhancement facilities. Financing costs may be paid from any moneys lawfully available for the purpose, including, unless otherwise provided in the bond proceedings, from the proceeds of the obligations to which they relate and from the same sources from which bond service charges on the obligations are paid and

as though bond service charges.

(I) "Issuer" means the treasurer of state, or the officer who by law performs the functions of that officer.

(J) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any interest coupons pertaining thereto, issued pursuant to sections 164.09 to 164.12 of the Revised Code.

(K) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to the ~~particular~~ fund. Special funds do not include the state capital improvements fund created by section 164.08 of the Revised Code or, if so provided in the bond proceedings, a rebate fund or account established for purposes of federal tax laws.

(L) "Net proceeds" means amounts received from the sale of obligations pursuant to this chapter, excluding amounts used to refund or retire outstanding obligations, and does not include amounts required to be deposited in special funds pursuant to the applicable bond proceedings, or financing costs paid from such amounts received.

(M) "Local debt support" means ~~a full or partial pledge of support for any local bond issue, the payment of all or a part of the premium for bond insurance obtained from a private insurer,~~ the subsidization of the interest rate on a loan obtained by ~~the~~ a subdivision~~, or a source of revenue pledged in support of revenue bonds issued by a subdivision~~.

(N) "Principal amount" refers to the aggregate of the amount as stated or provided for in the bond proceedings authorizing the obligations as the amount on which interest or interest equivalent is initially calculated.

Sec. 164.05. (A) The director of the Ohio public works commission shall do all of the following:

(1) Approve requests for financial assistance from district public works integrating committees and enter into agreements with one or more local subdivisions to provide loans, grants, and local debt support for a capital improvement project if the director determines that:

(a) The project is an eligible project pursuant to this chapter;

(b) The financial assistance for the project has been properly approved and requested by the district committee of the district which includes the recipient of the loan or grant;

(c) The amount of the financial assistance, when added to all other financial assistance provided during the fiscal year for projects within the district, does not exceed that district's allocation of money from the state capital improvements fund for that fiscal year;

(d) The district committee has provided such documentation and other evidence as the director may require that the district committee has satisfied the requirements of section 164.06 or 164.14 of the Revised Code;

(e) The portion of a district's annual allocation which the director approves in the form of loans and local debt support for eligible projects is consistent with divisions (E) and (F) of this section.

(2) Authorize payments to local subdivisions or their contractors for costs incurred for capital improvement projects which have been approved pursuant to this chapter. All requests for payments shall be submitted to the director on forms and in accordance with procedures specified in rules adopted by the director pursuant to division (A)(4) of this section.

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a deputy with the necessary qualifications to act as the director when the director is absent or temporarily unable to carry out the duties of office.

(4) Adopt rules establishing the procedures for making applications, reviewing, approving, and rejecting projects for which assistance is authorized under this chapter, and any other rules needed to implement the provisions of this chapter. Such rules shall be adopted under Chapter 119. of the Revised Code.

(5) Provide information and other assistance to local subdivisions and district public works integrating committees in developing their requests for financial assistance for capital improvements under this chapter and encourage cooperation and coordination of requests and the development of multisubdivision projects in order to maximize the benefits that may be derived by districts from each year's allocation;

(6) Require local subdivisions, to the extent practicable, to use Ohio products, materials, services, and labor in connection with any capital improvement project financed in whole or in part under this chapter;

(7) Notify the director of budget and management of all approved projects, and supply all information necessary to track approved projects through the state accounting system;

(8) Appoint the administrator of the Ohio small government capital improvements commission;

(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;

(10) Develop a standardized methodology for evaluating local subdivision capital improvement needs that a district public works integrating committee shall consider when addressing a subdivision's project application;

(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.

(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.

(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are

not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer shall, at the direction of the director, pay the amount of such reductions to the state capital improvements revolving loan fund. The director may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local government fund could be reduced pursuant to this division, but such a renegotiation may occur only one time with respect to any particular loan agreement.

(D) Grants approved for the repair and replacement of existing infrastructure pursuant to this chapter shall not exceed ninety per cent of the estimated total cost of the capital improvement project. Grants approved for new or expanded infrastructure shall not exceed fifty per cent of the estimated cost of the new or expansion elements of the capital improvement project. A local subdivision share of the estimated cost of a capital improvement may consist of any of the following:

(1) The reasonable value, as determined by the director or the administrator, of labor, materials, and equipment that will be contributed by the local subdivision in performing the capital improvement project;

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use in performing the capital improvement project;

(3) Loans made to the local subdivision under this chapter;

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project.

A local subdivision share of the cost of a capital improvement shall not include any amounts awarded to it from the local transportation improvement program fund created in section 164.14 of the Revised Code.

(E) ~~Not more than ten per cent of a~~ A district public works integrating ~~committee's~~ committee may determine how much of its annual allocation share pursuant to section 164.08 of the Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form of interest-free, low-interest, market rate of interest, or blended-rate loans and in the form of local debt support.

(F) ~~Not more than ten per cent of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code may be awarded to subdivisions in the form of local debt support.~~

~~(G)~~ For the period commencing July 1, 1993, and ending June 30, 1999, and for each five-year period thereafter, the total amount of financial assistance awarded under sections 164.01 to 164.08 of the Revised Code for capital improvement projects located wholly or partially within a county shall be equal to at least thirty per cent of the amount of what the county would have been allocated from the obligations authorized to be sold under this chapter during each period, if such amounts had been allocable to each county on a per capita basis.

~~(H)~~ (G) The amount of the annual allocations made pursuant to divisions (B)(1) and (4) of section 164.08 of the Revised Code which can be used for new or expanded infrastructure is limited to twenty per cent.

~~(I)~~ (H) No project shall be approved under this section unless the project is designed to have a useful life of at least seven years. In addition, the average useful life of all projects for which grants or loans are awarded in each district during a program year shall not be less than twenty years.

Sec. 164.06. (A) Each district public works integrating committee shall evaluate materials submitted to it by the local subdivisions located in the district concerning capital improvements for which assistance is sought from the state capital improvements fund and shall, pursuant to division (B) of this section, select the requests for financial assistance that will be formally submitted by the district to the director of the Ohio public works commission. In order to provide for the efficient use of the district's state capital improvements fund allocation each year, a district committee shall assist its subdivisions in the preparation and coordination of project plans.

(B) In selecting the requests for assistance for capital improvement projects which will be submitted to the director, and in determining the nature, amount, and terms of the assistance that will be requested, a district public works integrating committee shall give priority to capital improvement projects for the repair or replacement of existing infrastructure and which would be unlikely to be undertaken without assistance under this chapter, and shall specifically consider all of the following factors:

(1) The infrastructure repair and replacement needs of the district;

(2) The age and condition of the system to be repaired or replaced;

(3) Whether the project would generate revenue in the form of user fees or assessments;

(4) The importance of the project to the health and safety of the citizens of the district;

(5) The cost of the project and whether it is consistent with division ~~(G)~~ (F) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support for that year;

(6) The effort and ability of the benefited local subdivisions to assist in financing the project;

(7) The availability of federal or other funds for the project;

(8) The overall economic health of the particular local subdivision;

(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;

(10) Any other factors relevant to a particular project.

(C) When applying the methodology under division (A)(10) of section 164.05 of the Revised Code, a district public works integrating committee may require a subdivision to submit information on its capital infrastructure as part of an application for assistance in financing a capital improvement project under this section.

(D) In addition to reviewing and selecting the projects for which approval will be sought from the director of the Ohio public works commission for financial assistance from the state capital improvements fund, each district public works

integrating committee shall appoint a subcommittee of its members that will represent the interests of villages and townships and that will review and select the capital improvement projects which will be submitted by the subcommittee to the administrator of the Ohio small government capital improvements commission for consideration of assistance from the portion of the net proceeds of obligations issued and sold by the treasurer of state which is allocated pursuant to division (B)(1) of section 164.08 of the Revised Code. In reviewing and approving the projects selected by its subcommittee, the administrator, and the Ohio small government capital improvements commission shall be guided by the provisions of division (B) of this section, and shall also take into account the fact that villages and townships may have different public infrastructure needs than larger subdivisions.

Sec. 164.08. (A) Except as provided in sections 151.01 and 151.08 or section 164.09 of the Revised Code, the net proceeds of obligations issued and sold by the treasurer of state pursuant to section 164.09 of the Revised Code before September 30, 2000, or pursuant to sections 151.01 and 151.08 of the Revised Code, for the purpose of financing or assisting in the financing of the cost of public infrastructure capital improvement projects of local subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, and this chapter, shall be paid into the state capital improvements fund, which is hereby created in the state treasury. Investment earnings on moneys in the fund shall be credited to the fund.

(B) Beginning July 1, 2016, each program year the amount of obligations authorized by the general assembly in accordance with sections 151.01 and 151.08 or section 164.09 of the Revised

Code, excluding the proceeds of refunding or renewal obligations, shall be allocated by the director of the Ohio public works commission as follows:

(1) First, ten per cent of the amount of obligations authorized shall be allocated to provide financial assistance to villages and to townships with populations in the unincorporated areas of the township of less than five thousand persons, for capital improvements in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. As used in division (B)(1) of this section, "capital improvements" includes resurfacing and improving roads.

(2) Following the allocation required by division (B)(1) of this section, the director may allocate two per cent of the authorized obligations to provide financial assistance to local subdivisions for capital improvement projects which in the judgment of the director of the Ohio public works commission are necessary for the immediate preservation of the health, safety, and welfare of the citizens of the local subdivision requesting assistance. Starting July 1, 2021, the director may allocate up to six per cent of authorized obligations as provided in this division.

(3) The director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and the county's per capita share.

(4) After making the allocation required by division (B)

(3) of this section, the director shall allocate the remaining amount to each district on a per capita basis.

(C)(1) There is hereby created in the state treasury the state capital improvements revolving loan fund, into which shall be deposited all repayments of loans made to local subdivisions for capital improvements pursuant to this chapter. Investment earnings on moneys in the fund shall be credited to the fund.

(2) There may also be deposited in the state capital improvements revolving loan fund moneys obtained from federal or private grants, or from other sources, which are to be used for any of the purposes authorized by this chapter. Such moneys shall be allocated each year in accordance with division (B)(4) of this section.

(3) Moneys deposited into the state capital improvements revolving loan fund shall be used to make loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

(4) Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering this section. Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required to pay for the administrative costs and estimated rebate requirements shall be allocated to each district on a per capita basis.

(5) Each program year, loan repayments received and on deposit in the state capital improvements revolving loan fund shall be allocated as follows:

(a) Each district public works integrating committee shall be allocated an amount equal to the sum of all loan repayments made to the state capital improvements revolving loan fund by local subdivisions that are part of the district. Moneys not used in a program year may be used in the next program year in the same manner and for the same purpose as originally allocated.

(b) Loan repayments made pursuant to projects approved under division (B)(1) of this section shall be used to make loans in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. Allocations for this purpose made pursuant to division (C)(5) of this section shall be in addition to the allocation provided in division (B)(1) of this section.

(c) Loan repayments made pursuant to projects approved under division (B)(2) of this section shall be used to make loans in accordance with division (B)(2) of this section. Allocations for this purpose made pursuant to division (C)(5) of this section shall be in addition to the allocation provided in division (B)(2) of this section.

(d) Loans made from the state capital improvements revolving loan fund shall not be limited in their usage by divisions (E), (F), and (G)~~, and (H)~~ of section 164.05 of the Revised Code.

(D) Investment earnings credited to the state capital improvements fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering sections 164.01 to 164.12 of the Revised Code.

(E) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section and such information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

(F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division ~~(H)~~ (G) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure.

(G) When an allocation based on population is made by the director pursuant to division (B) of this section, the director shall use the most recent decennial census statistics, and shall not make any reallocations based upon a change in a district's population.

Sec. 164.14. (A) The local transportation improvement program fund is hereby created in the state treasury. The fund shall consist of moneys credited to it pursuant to sections 117.16 and 5735.051 of the Revised Code, and, subject to the limitations of section 5735.05 of the Revised Code, shall be used to make grants to local subdivisions for projects that have been approved by district public works integrating committees

and the Ohio public works commission in accordance with this section. The fund shall be administered by the Ohio public works commission, and shall be allocated each fiscal year on a per capita basis to district public works integrating committees in accordance with the most recent decennial census statistics. Money in the fund may be used to pay reasonable costs incurred by the commission in administering this section. Investment earnings on moneys credited to the fund shall be retained by the fund.

(B) Grants awarded under this section may provide up to one hundred per cent of the estimated total cost of the project.

(C) No grant shall be awarded for a project under this section unless the project is designed to have a useful life of at least seven years, except that the average useful life of all such projects for which grants are awarded in each district during a fiscal year shall be not less than twenty years.

(D) For the period beginning on July 1, 1989, and ending on June 30, 1994, and for each succeeding five-year period, at least one-third of the total amount of money allocated to each district from the local transportation improvement program fund shall be awarded as follows:

(1) Forty-two and eight-tenths per cent for projects of municipal corporations;

(2) Thirty-seven and two-tenths per cent for projects of counties;

(3) Twenty per cent for projects of townships, except that the requirement of division (D)(3) of this section shall not apply in districts where the combined population of the townships in the district is less than five per cent of the

population of the district.

(E) Each district public works integrating committee shall review, and approve or disapprove requests submitted to it by local subdivisions for assistance from the local transportation improvement program fund. In reviewing projects submitted to it, a district public works integrating committee shall consider the following factors:

(1) Whether the project is of critical importance to the safety of the residents of the local subdivision;

(2) Whether the project would alleviate serious traffic problems or hazards or would respond to needs caused by rapid growth and development;

(3) Whether the project would assist the local subdivision in attaining the transportation infrastructure needed to pursue significant and specific economic development opportunities;

(4) The availability of other sources of funding for the project;

(5) The adequacy of the planning for the project and the readiness of the local subdivision to proceed should the project be approved;

(6) The local subdivision's ability to pay for and history of investing in bridge and highway improvements;

(7) The impact of the project on the multijurisdictional highway and bridge needs of the district;

(8) The requirements of divisions (A), (B), (C), and (D) of this section;

(9) The condition of the infrastructure system proposed

for improvement;

(10) Any other factors related to the safety, orderly growth, or economic development of the district or local subdivision that the district public works integrating committee considers relevant.

A district public works integrating committee or its executive committee may appoint a subcommittee to assist it in carrying out its responsibilities under this section.

(F) Every project approved by a district public works integrating committee shall be submitted to the Ohio public works commission for its review and approval or disapproval. The commission shall not approve any project that fails to meet the requirements of this section.

(G) Grants awarded from the local transportation improvement program fund shall not be limited in their usage by divisions (D), (E), (F), and (G)~~, and (H)~~ of section 164.05 of the Revised Code.

(H) As used in this section, "local subdivision" means a county, municipal corporation, or township.

(I) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section, and the allocation information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

Sec. 165.04. The bond proceedings may contain provisions which shall be part of the contract with the bondholders as to:

(A) Pledging the rentals, revenues, and other income,

charges, and moneys therein designated for the payment of the principal of and interest on the bonds and all other payments required to be made by the bond proceedings;

(B) Acquisition by gift or purchase, construction, reconstruction, enlargement, improvement, furnishing, equipment, operation, alteration, maintenance, insurance, and repair of the pledged facilities and the duties of the issuing authority with respect thereto;

(C) Provisions regarding the purposes to which the proceeds of the bonds may be applied;

(D) Terms of the bonds;

(E) Maintenance, collection, use and disposition of rentals, revenues, and other income, charges, and moneys received from the lease, sale, or other disposition of the pledged facilities;

(F) Terms and conditions under which additional bonds may be issued secured by a pledge of rentals, revenues, and other income, charges, and moneys received from or a mortgage on the same pledged facilities;

(G) Terms of any trust agreement or indenture of mortgage securing the bonds including authorization to enter into such agreement or indenture;

(H) The deposit, application, safeguarding, and investment of funds of the issuer received or held under the bond proceedings, to which Chapters 131. and 135. and sections ~~122.57,~~ 122.571, 122.58, and 321.44 of the Revised Code are not applicable.

(I) Any other appropriate agreements with the bondholders

with respect to the pledged facilities and the rentals, revenues, and other income, charges, and moneys received therefrom~~;~~.

Sec. 166.03. (A) There is hereby created the facilities establishment fund within the state treasury, consisting of proceeds from the issuance of obligations as specified under section 166.08 of the Revised Code; the moneys received by the state from the sources specified in section 166.09 of the Revised Code; service charges imposed under sections 166.06 and 166.07 of the Revised Code; any grants, gifts, or contributions of moneys received by the director of development to be used for loans made under section 166.07 of the Revised Code or for the payment of the allowable costs of project facilities; and all other moneys appropriated or transferred to the fund. Moneys in the loan guarantee fund in excess of the loan guarantee reserve requirement, but subject to the provisions and requirements of any guarantee contracts, may be transferred to the facilities establishment fund by the treasurer of state upon the order of the director of development. Moneys received by the state under Chapter 122. of the Revised Code, to the extent allocable to the utilization of moneys derived from proceeds of the sale of obligations pursuant to section 166.08 of the Revised Code, shall be credited to the facilities establishment fund. All investment earnings on the cash balance in the fund shall be credited to the fund.

(B) All moneys appropriated or transferred to the facilities establishment fund may be released at the request of the director of development for payment of allowable costs or the making of loans under section 166.07 of the Revised Code, for transfer to the loan guarantee fund established in section 166.06 of the Revised Code, or for use for the purpose of or

transfer to the funds established by sections 122.35, 122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ 122.601, and 122.80 of the Revised Code and, until July 1, 2003, the fund established by section 166.031 of the Revised Code, and, until July 1, 2007, the fund established by section 122.26 of the Revised Code, but only for such of those purposes as are within the authorization of Section 13 of Article VIII, Ohio Constitution, in all cases subject to the approval of the controlling board.

(C) The department of development, in the administration of the facilities establishment fund, is encouraged to utilize and promote the utilization of, to the maximum practicable extent, the other existing programs, business incentives, and tax incentives that department is required or authorized to administer or supervise.

Sec. 166.08. (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic

development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; and any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges.

(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the economic development bond service fund created by division (S) of this section to the extent provided

in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto.

(B) Subject to the limitations provided in section 166.11 of the Revised Code, the issuing authority, upon the certification by the director of development or, prior to ~~the effective date of this amendment~~ September 29, 2017, upon certification by the Ohio air quality development authority regarding eligible advanced energy projects, to the issuing authority of the amount of moneys or additional moneys needed in the facilities establishment fund, the loan guarantee fund, the innovation Ohio loan fund, the innovation Ohio loan guarantee fund, the research and development loan fund, the logistics and distribution infrastructure fund, the advanced energy research and development fund, or the advanced energy research and development taxable fund, as applicable, for the purpose of paying, or making loans for, allowable costs from the facilities establishment fund, allowable innovation costs from the innovation Ohio loan fund, allowable costs from the research and development loan fund, allowable costs from the logistics and distribution infrastructure fund, allowable costs from the advanced energy research and development fund, or allowable costs from the advanced energy research and development taxable fund, as applicable, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or

hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, or providing moneys for the loan guarantee fund or the innovation Ohio loan guarantee fund, as provided in this chapter or needed for the purposes of funds established in accordance with or pursuant to sections 122.35, 122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of the Revised Code which are within the authorization of Section 13 of Article VIII, Ohio Constitution, or, prior to~~ the effective date of this amendment~~ September 29, 2017, with respect to certain eligible advanced energy projects, Section 2p of Article VIII, Ohio Constitution, shall issue obligations of the state under this section in the required amount; provided that such obligations may be issued to satisfy the covenants in contracts of guarantee made under section 166.06 or 166.15 of the Revised Code, notwithstanding limitations otherwise applicable to the issuance of obligations under this section. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be deposited by the director of development to the facilities establishment fund, the loan guarantee fund, the innovation Ohio loan guarantee fund, the innovation Ohio loan fund, the research and development loan fund, or the logistics and distribution infrastructure fund, or be deposited by the Ohio air quality development authority prior to ~~the effective date of this amendment~~ September 29, 2017, to the advanced energy research and development fund or the advanced energy research and development taxable fund. Bond proceedings for project financing obligations may provide that the proceeds derived from the issuance of such obligations shall be deposited into such fund or funds provided for in the bond proceedings

and, to the extent provided for in the bond proceedings, such proceeds shall be deemed to have been deposited into the facilities establishment fund and transferred to such fund or funds. The issuing authority may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are allowable costs payable from the facilities establishment fund or the research and development loan fund, allowable innovation costs payable from the innovation Ohio loan fund, allowable costs payable from the logistics and distribution infrastructure fund, or allowable costs payable prior to ~~the effective date of this amendment~~ September 29, 2017, from the advanced energy research and development fund or the advanced energy research and development taxable fund, as applicable.

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, or from payment of the principal of or interest on loans made, or fees charged for guarantees made, or from any money or property received by the director, treasurer of state, or the state under Chapter 122. of the Revised Code, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the

payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the director. The right of such holders and owners to payment of bond service charges is limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section, subject to any applicable limitation under section 166.11 of the Revised Code. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other

expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(E) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code.

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority.

Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. If the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and if the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

Obligations issued to provide moneys for the loan guarantee fund or the innovation Ohio loan guarantee fund may,

as determined by the issuing authority, be sold at private sale, and without publication of a notice of sale.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having a place of business within the state. Any such agreement or indenture may contain the resolution or order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;

(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of

obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or

other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or lease, lease-purchase agreement, or loan made under authority of this chapter, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The person who is at the time the issuing authority, or the issuing authority's officers or employees, are not liable in their personal capacities on any obligations issued by the issuing authority or any agreements of or with the issuing authority.

(L) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith,

interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any allowable costs including expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this division to be applied to bond service charges on the prior obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in the bond service fund for such obligations. Obligations authorized under this division shall be deemed to be issued for those purposes for which such prior obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section; provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to this section with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this division to refund, fund, advance refund or retire such prior obligations.

(M) The authority to issue obligations under this section includes authority to issue obligations in the form of bond anticipation notes and to renew the same from time to time by the issuance of new notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the pledged receipts and special funds that may be pledged to the payment of the bonds anticipated, or from the proceeds of such bonds or renewal notes, or both, as the issuing authority provides in the resolution or order authorizing such notes. Such notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state

will do such or all things necessary for the issuance of such bonds or renewal notes in appropriate amount, and apply the proceeds thereof to the extent necessary, to make full payment of the principal of and interest on such notes at the time or times contemplated, as provided in such resolution or order. For such purpose, the issuing authority may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on such notes, notwithstanding any limitations prescribed by or for purposes of this section. Subject to this division, all provisions for and references to obligations in this section are applicable to notes authorized under this division.

The issuing authority in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for such bonds an estimated interest rate and a schedule of principal payments for such bonds and the annual maturity dates thereof, and for purposes of any limitation on bond service charges prescribed under division (A) of section 166.11 of the Revised Code, the amount of bond service charges on such bond anticipation notes is deemed to be the bond service charges for the bonds anticipated thereby as set forth in the bond proceedings applicable to such notes, but this provision does not modify any authority in this section to pledge receipts and special funds to, and covenant to issue bonds to fund, the payment of principal of and interest and any premium on such notes.

(N) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic

for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any governmental agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of banks. If the law or the instrument creating a trust pursuant to division (J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself,

secured by obligations of the United States or an agency of the United States; and in common trust funds established in accordance with section 1111.20 of the Revised Code and consisting exclusively of any such securities, notwithstanding division (A)(4) of that section. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(R) The issuing authority may covenant in the bond proceedings, and any such covenants are controlling

notwithstanding any other provision of law, that the state and applicable officers and governmental agencies of the state, including the general assembly, so long as any obligations are outstanding, shall:

(1) Maintain statutory authority for and cause to be charged and collected wholesale and retail prices for spirituous liquor sold by the state or its agents so that the pledged receipts are sufficient in amount to meet bond service charges, and the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings, and, as necessary, to meet covenants contained in contracts of guarantee made under section 166.06 of the Revised Code;

(2) Take or permit no action, by statute or otherwise, that would impair the exemption from federal income taxation of the interest on the obligations.

(S) There is hereby created the economic development bond service fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to a bond service fund or the economic development bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during such time as any such obligations are outstanding, and so long as moneys in

the pertinent bond service funds are insufficient to pay all bond services charges on such obligations becoming due in each year, a sufficient amount of the gross profit on the sale of spirituous liquor included in pledged receipts are committed and shall be paid to the bond service fund or economic development bond service fund in each year for the purpose of paying the bond service charges becoming due in that year without necessity for further act of appropriation for such purpose and notwithstanding anything to the contrary in Chapter 4301. of the Revised Code. The economic development bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(T) The obligations, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

Sec. 166.36. The automated clearing house payments fund is created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall be used to receive regular loan repayments and fees by automated clearing house transfer for loans made from loan programs administered by the director of development under the Revised Code. At the direction of the director of development, money in the fund shall be transferred to the enterprise bond retirement fund created under section 166.37 of the Revised Code or to any fund within the state treasury. All interest and investment income earned by the fund shall be deposited in the fund.

Sec. 166.37. In accordance with division (S) of section

166.08 of the Revised Code, the enterprise bond retirement fund is created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall be used to receive repayments, fees, and other money attributable to loans made by the director of development under section 166.07 of the Revised Code. At the direction of the director of development, money in the fund may be transferred to any fund related to this chapter or to any fund in the state treasury. All interest and investment income earned by the fund shall be deposited in the fund.

Sec. 166.38. The regional loan escrow fund is created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall consist of all grants, gifts, and contributions of money or rights to money made to the director of development for such fund, all money and rights to money lawfully designated for or deposited in such fund, and all repayments, fees, and other money attributable to loans made under the regional 166 loan program for which the director acts as escrow agent. All money received or transferred to the fund may be released at the direction of the director of development for the making of loans under this chapter. All interest and investment income earned by the fund shall be deposited in the fund.

Sec. 169.01. As used in this chapter, unless the context otherwise requires:

(A) "Financial organization" means any bank, trust company, savings bank, safe deposit company, mutual savings bank without mutual stock, savings and loan association, credit union, or investment company.

(B)(1) "Unclaimed funds" means any moneys, rights to

moneys, or intangible property, described in section 169.02 of the Revised Code, when, as shown by the records of the holder, the owner has not, within the times provided in section 169.02 of the Revised Code, done any of the following:

(a) Increased, decreased, or adjusted the amount of such funds;

(b) Assigned, paid premiums, or encumbered such funds;

(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;

(d) Corresponded with the holder concerning such funds;

(e) Otherwise indicated an interest in or knowledge of such funds;

(f) Transacted business with the holder.

(2) "Unclaimed funds" does not include any of the following:

(a) Money received or collected under section 9.39 of the Revised Code;

(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but

not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(d) Either of the following:

(i) Any credit or obligation due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for goods or services, including gift cards issued by financial organizations or business associations;

(ii) Any electronic payment device that is issued by a financial organization or a business association that has no expiration date and meets all of the following conditions:

(I) It is purchased or loaded on a prepaid basis for the future purchase or delivery of goods or services.

(II) It is redeemable upon presentation to a single merchant or service provider or an affiliated group of merchants or service providers.

(III) It is not redeemable for cash in whole or in part.

(e) Any open-loop prepaid card that is issued by a financial organization or a business association for which the underlying funds do not expire. For purposes of division (B)(2)(e) of this section, "open-loop prepaid card" means an electronic payment device that meets all of the following conditions:

(i) It is purchased or loaded on a prepaid basis for the future purchase or delivery of any goods or services.

(ii) It can be used to purchase goods and services at multiple unaffiliated merchants or service providers.

(iii) It is not redeemable for cash in whole or in part.

(f) Any rewards card. For purposes of division (B)(2)(f) of this section, "rewards card" includes any loyalty, incentive, or promotional type program that is issued by a financial organization or a business association whether represented by a card or electronic record, which program is established for the purposes of providing cardholder awards, rewards, rebates, or other amounts to reward the cardholder for the cardholder's relationship with the entity sponsoring the rewards card, provided that no direct money was paid by the cardholder for the rewards card. "Rewards card" includes both of the following:

(i) Cards or electronic records consisting of points, cash, or other tokens of value given to a cardholder as a reward or incentive for engaging in a transaction or a series of transactions;

(ii) The unpaid portion of a rewards card when the rewards card is partially loaded by the cardholder with the remaining portion funded as a reward or incentive.

A minimal annual fee charged to the cardholder for joining any such loyalty, incentive, or promotional type program shall not be considered direct money paid by the cardholder for the rewards card. For purposes of division (B)(2)(f) of this section, "cardholder" means the holder of a rewards card, regardless of whether the rewards card is represented by a card or by an electronic record.

For purposes of division (B)(2) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals,

whether or not the entity is for profit.

(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against moneys, rights to moneys, or other intangible property, subject to this chapter.

(D)(1) "Holder" means any person that has possession, custody, or control of moneys, rights to moneys, or other intangible property, or that is indebted to another, if any of the following applies:

(a) Such person resides in this state;

(b) Such person is formed under the laws of this state;

(c) Such person is formed under the laws of the United States and has an office or principal place of business in this state;

(d) The records of such person indicate that the last known address of the owner of such moneys, rights to moneys, or other intangible property is in this state;

(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property in this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D)(1)(e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after July 22, 1994, whether the moneys, rights to moneys, or other intangible property becomes unclaimed funds prior to or on or after that date.

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated nonprofit association; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means ~~the mortgage insurance fund created by section 122.561 of the Revised Code, and~~ the housing guarantee fund created by division (D) of section 128.11 of the Revised Code.

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an

income-bearing account by purchase or otherwise.

(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an investment account through which investments are made solely in obligations of the United States or its agencies or instrumentalities or guaranteed as to principal and interest by the United States or its agencies or instrumentalities, debt securities rated as investment grade by at least two nationally recognized rating services, debt securities which the director of commerce has determined to have been issued for the safety and welfare of the residents of this state, and equity interests in mutual funds that invest solely in some or all of the above-listed securities and involve no general liability, without regard to whether income earned on such accounts, securities, or interests is paid periodically or at the end of a term.

(K) "Director of commerce" may be read as the "division of unclaimed funds" or the "superintendent of unclaimed funds."

(L) "Attorney unclaimed funds" means any unclaimed funds, as defined in division (B)(1) of this section, that are any of the following:

(1) Funds held in interest on lawyer trust accounts pursuant to section 4705.09 of the Revised Code;

(2) Funds held in an interest on trust accounts pursuant to section 3953.231 of the Revised Code;

(3) Residual settlement funds whether for named or unnamed plaintiffs, received by the division of unclaimed funds, and held, paid out, or allocated by the division pursuant to or consistent with the terms and conditions of the court order authorizing the settlement fund.

Sec. 169.05. (A) Every holder required to file a report under section 169.03 of the Revised Code shall, at the time of filing, pay to the director of commerce ten per cent of the aggregate amount of unclaimed funds as shown on the report, except for aggregate amounts of fifty dollars or less in which case one hundred per cent shall be paid. The funds may be deposited by the director in the state treasury to the credit of the unclaimed funds trust fund, which is hereby created, or placed with a financial organization. Any interest earned on money in the trust fund shall be credited to the trust fund. The remainder of the aggregate amount of unclaimed funds as shown on the report, plus earnings accrued to date of payment to the director, shall, at the option of the director, be retained by the holder or paid to the director for deposit as agent for the mortgage funds with a financial organization as defined in section 169.01 of the Revised Code, with the funds to be in income-bearing accounts to the credit of the mortgage funds, or the holder may enter into an agreement with the director specifying the obligations of the United States in which funds are to be invested, and agree to pay the interest on the obligations to the state. Holders retaining any funds not in obligations of the United States shall enter into an agreement with the director specifying the classification of income-bearing account in which the funds will be held and pay the state interest on the funds at a rate equal to the prevailing market rate for similar funds. Moneys that the holder is required to pay to the director rather than to retain may be deposited with the treasurer of state, or placed with a financial organization.

Securities and other intangible property transferred to the director shall, within a reasonable time, be converted to

cash and the proceeds deposited as provided for other funds.

~~One-half of the~~ The funds evidenced by agreements, in income-bearing accounts, or on deposit with the treasurer of state shall be allocated on the records of the director ~~to the mortgage insurance fund created by section 122.561 of the Revised Code. Out of the remaining half~~, after allocation of sufficient moneys to the minority business bonding fund to meet the provisions of division (B) of this section, ~~the remainder shall be allocated on the records of the director~~ to the housing development fund created by division (A) of section 175.11 of the Revised Code.

(B) The director shall serve as agent for the director of development and as agent for the Ohio housing finance agency in making deposits and withdrawals and maintaining records pertaining to the minority business bonding fund created by section 122.88 of the Revised Code~~, the mortgage insurance fund,~~ and the housing development fund created by section 175.11 of the Revised Code. ~~Funds from the mortgage insurance fund are available to the director of development when those funds are to be disbursed to prevent or cure, or upon the occurrence of, a default of a mortgage insured pursuant to section 122.451 of the Revised Code.~~ Funds from the housing development fund are available upon request to the Ohio housing finance agency, in an amount not to exceed the funds allocated on the records of the director, for the purposes of section 175.05 of the Revised Code. Funds from the minority business bonding fund are available to the director of development upon request to pay obligations on bonds the director writes pursuant to section 122.88 of the Revised Code; except that, unless the general assembly authorizes additional amounts, the total maximum amount of moneys that may be allocated to the minority business bonding

fund under this division is ten million dollars.

When funds are to be disbursed, the appropriate agency shall call upon the director to transfer the necessary funds to it. The director shall first withdraw the funds paid by the holders and deposited with the treasurer of state or in a financial institution as agent for the funds. Whenever these funds are inadequate to meet the request, the director shall provide for a withdrawal of funds, within a reasonable time and in the amount necessary to meet the request, from financial institutions in which the funds were retained or placed by a holder and from other holders who have retained funds, in an equitable manner as the director prescribes. In the event that the amount to be withdrawn from any one holder is less than five hundred dollars, the amount to be withdrawn is at the director's discretion. The director shall then transfer to the agency the amount of funds requested.

Funds deposited in the unclaimed funds trust fund are subject to call by the director when necessary to pay claims the director allows under section 169.08 of the Revised Code, in accordance with the director's rules, to defray the necessary costs of making publications this chapter requires and to pay other operating and administrative expenses the department of commerce incurs in the administration and enforcement of this chapter.

The unclaimed funds trust fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures the director of commerce prescribes. The assessment shall be paid from the unclaimed funds trust fund to the division of administration fund.

(C) Earnings on the accounts in financial organizations to the credit of the mortgage funds shall, at the option of the financial organization, be credited to the accounts at times and at rates as earnings are paid on other accounts of the same classification held in the financial organization or paid to the director. The director shall be notified annually, and at other times as the director may request, of the amount of the earnings credited to the accounts. Interest on unclaimed funds a holder retains shall be paid to the director or credited as specified in the agreement under which the organization retains the funds. Interest payable to the director under an agreement to invest unclaimed funds in income-bearing accounts or obligations of the United States shall be paid annually by the holder to the director. Any earnings or interest the director receives under this division shall be deposited in and credited to the mortgage funds.

Sec. 169.061. (A) The director of commerce may request any officer, board, or commission of the state or any political subdivision of the state to furnish information to, or exchange information with, the department of commerce to assist the department in performing the department's or the director's duties under this chapter, including records related to the notice, report, remission, and return of unclaimed funds to a rightful claimant.

(B) An officer, a board, or a commission of the state or a political subdivision of the state may, by mutual agreement with the director, make and forward to the department such records, or parts thereof, and other information in the officer's, board's, or commission's possession as are deemed necessary by the department to properly carry into operation the laws of this chapter.

Sec. 169.08. ~~(A)~~(A)(1) The director shall pay to the owner or other person who has established the right to payment under this section, funds from the unclaimed funds trust fund in an amount equal to the amount of property delivered or reported to the director, or equal to the net proceeds if the securities or other property have been sold, together with interest earned by the state if required to be paid under division (D) of this section.

(2) Any person claiming a property interest in unclaimed funds delivered or reported to the state under Chapter 169. of the Revised Code, including the office of child support in the department of job and family services, pursuant to section 3123.88 of the Revised Code, may file a claim thereto on the form prescribed by the director of commerce.

(3)(a) The director may pay or deliver unclaimed funds, as required by division (A)(1) of this section, without requiring the person claiming a property interest in the unclaimed funds to file a claim form under division (A)(2) of this section, if both of the following apply:

(i) The person claiming a property interest is identified as the owner of the funds or property on the report filed under section 169.03 of the Revised Code;

(ii) The director reasonably believes the person claiming a property interest is entitled to receive the payment.

(b) The director may use state tax information, information obtained under section 169.061 of the Revised Code, and information from reliable databases of the director's choosing to assist the director in determining whether a person claiming a property interest in unclaimed funds or property is

entitled to payment under this section.

(B) The director shall consider matters relevant to any claim filed or otherwise received under division (A) of this section and shall hold a formal hearing if requested or considered necessary and receive evidence concerning such claim. A finding and decision in writing on each such claim ~~filed~~ shall be prepared, stating the substance of any evidence received or heard and the reasons for allowance or disallowance of the claim. The evidence and decision shall be a public record. No statute of limitations shall bar the allowance of a claim.

(C) For the purpose of conducting any hearing, the director may require the attendance of such witnesses and the production of such books, records, and papers as the director desires, and the director may take the depositions of witnesses residing within or without this state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the director may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned. The fees of the sheriff shall be the same as that allowed in the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Fees and mileage shall be paid from the unclaimed funds trust fund.

(D) Interest earned by the state shall be payable to claimants of unclaimed funds held by the state in accordance with final court orders derived from the *Sogg v. Zurz*, 121 Ohio St.3d 449 (2009), line of cases and final settlement agreement

determining payment of interest on unclaimed funds. For properties received by the state on or before July 26, 1991, interest shall be paid at a rate of six per cent per annum from the date the state received the property up to and including July 26, 1991. No interest shall be payable on any properties for the period from July 27, 1991, up to and including August 2, 2000. For properties held by the state on August 3, 2000, or after, interest shall be paid at the applicable required rate per annum for the period held from August 3, 2000, or the date of receipt, whichever is later, up to and including the date the claim is paid.

(E) Claims shall be paid from the trust fund. If the amount available in the trust fund is not sufficient to pay pending claims, or other amounts disbursable from the trust fund, the treasurer of state shall certify such fact to the director, who shall then withdraw such amount of funds from the mortgage accounts as the director determines necessary to reestablish the trust fund to a level required to pay anticipated claims but not more than ten per cent of the net unclaimed funds reported to date.

The director may withdraw the funds paid to the director by the holders and deposited by the director with the treasurer of state or in a financial institution as agent for such funds. Whenever these funds are inadequate to meet the requirements for the trust fund, the director shall provide for a withdrawal of funds, within a reasonable time, in such amount as is necessary to meet the requirements, from financial institutions in which such funds were retained or placed by a holder and from other holders who have retained funds, in an equitable manner as prescribed by the director. In the event that the amount to be withdrawn from any one such holder is less than five hundred

dollars, the amount to be withdrawn shall be at the discretion of the director. Such funds may be reimbursed in the amounts withdrawn when the trust fund has a surplus over the amount required to pay anticipated claims. Whenever the trust fund has a surplus over the amount required to pay anticipated claims, the director may transfer such surplus to the mortgage accounts.

(F)(1) If a claim which is allowed under this section relates to funds which have been retained by the reporting holder, and if the funds, on deposit with the treasurer of state pursuant to this chapter, are insufficient to pay claims, the director may notify such holder in writing of the payment of the claim and such holder shall immediately reimburse the state in the amount of such claim. The reimbursement shall be credited to the unclaimed funds trust fund.

(2) If a claim that is allowed under this section relates to attorney unclaimed funds that have been recovered by the Ohio access to justice foundation, pursuant to division (A) of section 169.052 of the Revised Code and division (A) of this section, the director shall notify the Ohio access to justice foundation in writing of the payment of the claim and the Ohio access to justice foundation shall immediately reimburse the unclaimed funds trust fund in the amount of such claim inclusive of interest as required by division (D) of this section. The reimbursement shall be credited to the unclaimed funds trust fund.

(G) Any person, including the office of child support, adversely affected by a decision of the director may appeal such decision in the manner provided in Chapter 119. of the Revised Code.

In the event the claimant prevails, the claimant shall be

reimbursed for reasonable attorney's fees and costs.

(H) Notwithstanding anything to the contrary in this chapter, any holder who has paid moneys to or entered into an agreement with the director pursuant to section 169.05 of the Revised Code on certified checks, cashiers' checks, bills of exchange, letters of credit, drafts, money orders, or travelers' checks, may make payment to any person entitled thereto, including the office of child support, and upon surrender of the document, except in the case of travelers' checks, and proof of such payment, the director shall reimburse the holder for such payment without interest.

Sec. 169.081. (A) The director of commerce shall not authorize a payment from the unclaimed funds trust fund in response to a claim under section 169.08 of the Revised Code made by the representative of a deceased owner's estate, or another person related to a deceased owner's estate, unless it affirmatively appears to the director that the payment will be received by one or more of the following:

(1) Actual heirs or legatees of the deceased owner;

(2) Creditors of the deceased owner whose claims are valid and not barred, subject to both of the following:

(a) The amount received by a creditor for a claim relating to the administration of the deceased owner's estate shall not exceed the reasonable cost of administering the estate, including court costs, administration fees, and attorney's fees.

(b) The amount received by any other creditor shall not exceed the amount necessary to pay the creditor's claim, excluding any claim or portion of a claim that is not in existence on the date of the owner's death.

(B) This section applies to claims pending on the effective date of this section and claims filed on or after that date.

Sec. 169.12. (A) ~~Whoever knowingly violates section 169.03 of the Revised Code by failure~~ Subject to division (D) of this section, whoever fails to report, pay, or deliver unclaimed funds ~~by the date prescribed therefor may be subject to a civil penalty of one hundred dollars per day~~within the time required by this chapter shall pay interest at an annual rate of three per cent. Interest is applied to the amount of the unclaimed funds or value of the unclaimed property that was not timely reported, paid, or delivered from the date the funds or property is required to be reported, paid, or delivered until the date the funds or property is actually reported, paid, or delivered as required by this chapter.

(B) ~~Whoever violates section 169.03 of the Revised Code by failure to file an~~ Subject to division (D) of this section, whoever fails to report, pay, or deliver unclaimed funds ~~report upon request~~ within four months of the date ~~of such request~~ required by this chapter shall be subject to a civil penalty of one hundred dollars per day for each day the duty is not performed, not to exceed ten thousand dollars, which may be in addition to the ~~other civil penalties provided for in~~ interest assessed under division (A) of this section.

(C) ~~Unclaimed funds not paid or made the subject of an agreement with the director of commerce as provided in sections 169.03 and 169.05 of the Revised Code either because they were not reported or they were underreported or when reported were not paid or not made the subject of the required agreement shall have added thereto interest from the date prescribed for such~~

~~payment or agreement until the date settlement is made. Such interest shall, if the holder is a financial institution, be the best available, nonnegotiable, retail time deposit base rate offered by that financial institution in the calendar year previous to the date of discovery of the violation, or if the holder is not a financial institution, be the best available six-month treasury bill rate offered in the calendar year previous to the date of discovery of violation. In addition, a civil penalty of one per cent of the amount of unclaimed funds not reported, underreported, or on which settlement has not been made shall be imposed for each month from the date prescribed for such reporting and payment or agreement until such required settlement is made, except that such penalty shall not be imposed for more than twenty-five months.~~

~~(D) In determining interest and penalties due in respect to intangible property, such property will be valued at the market value as of the date prescribed for reporting and payment in sections 169.03 and 169.05 of the Revised Code. If no market value is determinable such property shall be valued as of the same date on the basis used by the department of taxation.~~

~~(E)~~ If any person refuses to report or settle with the director as required under this chapter, the director may bring an action in the court having jurisdiction in the county where the holder resides or has ~~his~~the holder's principal place of business or is engaged in business, to enforce such reporting or settlement requirements and to recover interest and penalties due.

(D) The director may waive part or all of the interest and civil penalties provided for in this section for good cause shown and shall waive such civil penalties upon a showing that a

holder had reasonable grounds for not complying with this chapter.

Sec. 169.99. (A) Whoever violates section 169.10 of the Revised Code shall be fined not more than five hundred dollars for each offense. Each day of continuance of such violation is a separate offense. Any penalty assessed under this division is in place of, not in addition to, penalties that might otherwise be assessed under section 169.12 of the Revised Code.

(B) Whoever files a fraudulent report under this chapter may be required to pay to the director of commerce, in addition to interest and penalties prescribed by section 169.12 of the Revised Code, either or both of the following:

(1) A civil penalty of five hundred dollars per day, from the date the report was made until the date the report is corrected, not to exceed twenty-five thousand dollars;

(2) A civil penalty of twenty-five per cent of the amount or value of any funds, property, or both, that was fraudulently reported, including both unreported and underreported funds.

(C) Whoever violates division (C) of section 169.13 or division (A) of section 169.16 of the Revised Code is guilty of a misdemeanor of the first degree for a first offense and of a felony of the fifth degree for any subsequent offense.

(E) The director may waive, in whole or in part, civil penalty amounts assessed pursuant to division (A) of this section if the director determines that the person or holder acted in good faith and without negligence.

Sec. 173.38. (A) As used in this section:

(1) "Applicant" means a person who is under final

consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.

(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

(3) ~~"Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.~~

~~(4)~~ "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

~~(5)~~(4) "Consumer" means an individual who receives community-based long-term care services.

~~(6)~~(5) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

~~(7)(a)~~(6)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:

(i) In-person contact with one or more consumers;

(ii) Access to one or more consumers' personal property or records.

(b) "Direct-care position" does not include ~~a~~ any of the following:

(i) A person whose sole duties are transporting individuals under Chapter 306. of the Revised Code;

(ii) An attorney licensed to practice law in this state;

(iii) A person who is not licensed to practice law in this state, but, at the direction of an attorney licensed to practice law in this state, assists the attorney in the attorney's provision of legal services.

~~(8)~~ (7) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

~~(9)~~ (8) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.

~~(10)~~ (9) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.

~~(11)~~ (10) "Provider" has the same meaning as in section 173.39 of the Revised Code.

~~(12)~~ (11) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary

direct-care position or works in such a position due to being referred to the agency by an employment service.

(b) A PASSPORT administrative agency in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or

is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

~~(c) A consumer in the case of either of the following:~~

~~(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;~~

~~(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.~~

~~(13)~~(12) "Subcontractor" has the meaning specified in rules adopted under this section.

~~(14)~~(13) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

~~(15)~~(14) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any ~~individual~~ of the following:

(1) A person who is subject to a database review or criminal records check under section 173.381 or 3740.11 of the Revised Code~~ or to any individual~~;

(2) A person who is subject to a criminal records check under section 3721.121 of the Revised Code;

(3) A participant-directed provider.

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a direct-care position.

(2) After the applicant or employee is provided, pursuant

to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) Except as provided by division (G) of this section, the chief administrator of a responsible party shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the responsible party by an employment service for a direct-care position:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state

for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with

regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division

(F) of this section before conditionally employing the applicant.

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that employs an applicant

conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record.

(I) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:

(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency~~;~~

~~(c) The criminal records check is requested by a consumer who is acting as a responsible party~~.

(7) A court or hearing officer involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(8) Pursuant to a lawful subpoena or valid court order, any necessary individual not identified in division (I)(7) of this section who is involved in a case dealing with any issue, matter, or action described in division (I)(7)(a), (b), or (c) of this section.

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty

to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for

a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.381. (A) As used in this section:

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.

(B) This section does not apply to any ~~individual who is subject to a database review or criminal records check under~~ of

the following:

(1) An applicant as defined in section 3740.11 of the Revised Code or an employee as defined in section 3740.01 of the Revised Code;

(2) An ambulette driver employed by an organization licensed under Chapter 4766. of the Revised Code;

(3) An attorney licensed to practice law in this state;

(4) A person who is not licensed to practice law in this state, but who, at the direction of an attorney licensed to practice law in this state, assists the attorney in the attorney's provision of legal services.

(C)(1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C)(2) of this section apply:

(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;

(b) Revoke a self-employed provider's community-based long-term care services certificate;

(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;

(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.

(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:

(a) A review of the databases listed in division (E) of

this section reveals any of the following:

(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.

(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to complete the form or provide the self-employed provider's fingerprint impressions on the standard impression sheet.

(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) The department of aging or its designee shall inform each self-employed provider of both of the following at the time of the self-employed provider's initial application for a community-based long-term care services certificate or initial bid for a community-based long-term care services contract or grant:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the department or its designee is required by division (C) of this section to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider;

(2) That, unless the database review reveals that the department or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider, a criminal records check of the self-employed provider will be conducted and the self-employed provider is required to provide a set of the self-employed provider's fingerprint impressions as part of the criminal records check.

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or

terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed

provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the self-employed provider. If rules adopted under this section so require, the department or its designee shall request that the superintendent conduct a criminal records check of a self-employed provider at times specified in the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. However, the department or its designee is not required to request the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed provider's certificate or contract or grant.

If a self-employed provider for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the self-employed provider from the federal bureau of investigation in a criminal records check, the department or its designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if a self-employed provider for whom a criminal records check request is required by this section presents proof

of having been a resident of this state for the five-year period, the department or its designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The department or its designee shall do all of the following:

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the self-employed provider;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau.

(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The self-employed provider or the self-employed

provider's representative;

(2) The department of aging, the department's designee, or a representative of the department or its designee;

(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;

(4) A court or hearing officer involved in a case dealing with any of the following:

(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;

(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;

(c) A civil or criminal action regarding a program the department of aging administers.

(5) Pursuant to a lawful subpoena or valid court order, any necessary individual not identified in division (G)(4) of this section who is involved in a case dealing with any issue, matter, or action described in division (G)(4)(a), (b), or (c) of this section.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;

(d) Standards that a self-employed provider must meet for

the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code and except as provided in division (I) of this section, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide services, including community-based long-term care services, under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of both of the following: a plan of correction ~~or~~ and evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the certification;

(h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.

(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:

(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;

(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

(1) The provider's experience and financial responsibility;

(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;

(3) The provider's ability to meet the needs of the individuals served;

(4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a

certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) ~~A~~ The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised

Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with either of the following: the department or the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the

Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular or electronic mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under division (A) of this section.

(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide.

(I) The director shall certify a provider in accordance

with Chapter 4796. of the Revised Code if either of the following applies:

(1) The provider is licensed or certified in another state.

(2) The provider has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of community-based long-term care services under a state program in a state that does not issue that license or certificate.

Sec. 173.525. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a personal care aide under the PASSPORT program, an individual must successfully complete thirty hours of pre-service training acceptable to the department of aging.

To maintain eligibility, each personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months.

(2) In administering the PASSPORT program, the department shall not require a personal care aide to do ~~either~~ any of the following:

(a) Complete more than thirty hours of pre-service training;

(b) Complete more than six hours of in-service training in a twelve-month period~~.~~

~~(B) The department shall not require an individual serving as a home health aide under the PASSPORT program to complete~~ ;

(c) Complete more hours of pre-service training or annual

in-service training than required by federal law.

~~(C)~~ (B) Only the following may supervise a ~~home health aide or~~ personal care aide under the PASSPORT program:

(1) A registered nurse;

(2) A licensed practical nurse under the direction of a chiropractor, dentist, optometrist, physician, physician assistant, podiatrist, or registered nurse.

Sec. 175.16. (A) As used in this section:

(1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code.

(2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after July 1, 2023, and for which the director reserves a tax credit under division (B) of this section before July 1, 2027.

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

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing

an eligibility certificate.

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.

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

(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.

(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code.

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

(13) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section.

(14) "Director" means the executive director of the Ohio housing finance agency.

(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and

placed in service on or after July 1, 2023, may reserve a tax credit under this section for the project owners so long as doing so will not result in exceeding the annual credit cap prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after June 30, 2027.

The director shall send written notice of the reservation to each project owner. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate and filing the information described in division (I) of this section. Upon receipt of that notice, the owner shall provide the identity of the owner's designated reporter to the director.

The director shall determine the credit amount reserved for each qualified project. The reserved credit amount shall not exceed the amount necessary, when combined with the federal credit, to ensure the financial feasibility of the qualified project.

The director shall reserve credits in a manner that ensures that a qualified project is creating additional housing units that would not have otherwise been created with other state, federal, or private financing. The director may assess application, processing, and reporting fees to cover the cost of administering the tax credit authorized under this section.

(C) The aggregate amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (1) one hundred million dollars, (2) the amount, if any, by which the credit cap prescribed by this division for the preceding fiscal year exceeds the credits reserved by the director in that year, and (3) the amount of tax

credits recaptured or otherwise disallowed under division (G) of this section in the preceding fiscal year.

For the purpose of computing and determining compliance with the credit cap prescribed by this division, the credit amount reserved for the project owners of a qualified project is the full amount for all years of the qualified project's credit period.

(D) Immediately after approving the final cost certification for a qualified project for which a tax credit under this section is reserved, or upon otherwise determining the qualified basis of the qualified project and the date it was placed into service as required by section 42(m) of the Internal Revenue Code, the director shall compute the annual credit amount and issue an eligibility certificate to each project owner. The director shall send copies of all eligibility certificates issued each calendar year to the tax commissioner and the superintendent of insurance.

The annual credit amount shall equal the lesser of the following:

(1) The amount of the federal credit that would be awarded to the project owners for the first year of the credit period if not for the adjustment required under section 42(f)(2) of the Internal Revenue Code;

(2) One-tenth of the reserved credit amount stated in the notice issued under division (B) of this section.

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and taxpayer identification number of each project owner, each owner's designated reporter, the date the

certificate is issued, a unique identifying number, and any additional information prescribed by a rule adopted under division (H) of this section. A project owner, if the project owner is a pass-through entity, shall provide a copy of the eligibility certificate and any information described in division (I) of this section to each equity owner that has been allocated a credit under division (F)(2) of this section, if requested.

(F)(1) For each year of a qualified project's credit period, the project owner or an equity owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount stated on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code, as applicable.

(2) If a project owner is a pass-through entity, the annual credit amount for any year of a qualified project's credit period may be allocated by the project owner among one or more equity owners and may be applied by those equity owners against more than one tax, but the total credits claimed in connection with that year of the qualified project's credit period by all project owners and equity owners against all taxes shall not exceed the annual credit amount stated on the eligibility certificate.

(3) A project owner or equity owner may claim the credit authorized by this section after the date the qualified project is placed into service but not before the director issues the project owner an eligibility certificate under division (D) of this section and the applicable report required by division (I)

of this section is filed by the designated reporter.

(4) A project owner or equity owner that claims a tax credit under division (F)(1) of this section shall submit a copy of the eligibility certificate with the project owner's or equity owner's tax return or report. Upon request of the tax commissioner or the superintendent of insurance, any project owner or equity owner claiming a tax credit under this section shall provide the commissioner or superintendent other documentation that may be necessary to verify that the project owner or equity owner is entitled to claim the credit.

(5) A project owner that is a pass-through entity may allocate the credit authorized by this section to its equity owners under division (F)(2) of this section in any manner agreed to by such persons regardless of whether such equity owners are eligible for an allocation of the federal credit, whether the allocation of the credit under the terms of the agreement has substantial economic effect within the meaning of section 704(b) of the Internal Revenue Code, and whether any such person is deemed a partner of the project owner or equity owner for federal income tax purposes as long as the equity owner acquired its ownership interest prior to claiming the credit. The allocation shall be allowed without regard to any provision of the Internal Revenue Code, or regulation promulgated pursuant to it, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale.

An equity owner may assign all or any part of its interest in a qualified project, including its interest in the tax credits authorized by this section, to one or more other equity owners, and each assignee shall be able to claim the credit so

long as its interest is acquired prior to the filing of its tax return or report or amended tax return or report claiming the credit and the assignee's ownership interest is identified in the report required by division (I) of this section.

(6) Nothing in this section or section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code allows the assignment or transfer of any carryforward of the credit authorized under this section once the annual credit amount is claimed.

(G) If any portion of the federal credit allocated to a qualified project is recaptured under section 42(j) of the Internal Revenue Code or is otherwise disallowed, the director shall recapture a proportionate amount of the tax credit claimed pursuant to this section in connection with the same qualified project.

If the director determines to recapture such a tax credit, the director shall certify the name of each project owner and the amount to be recaptured to the tax commissioner and to the superintendent of insurance. The commissioner or superintendent shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as applicable, for the amount of the tax credit to be recaptured. The time limitations on assessments under those chapters do not bar an assessment made under this division.

(H) The director, in consultation with the tax commissioner and superintendent of insurance, shall adopt any rules necessary to implement this section in accordance with Chapter 119. of the Revised Code.

(I)(1) For each calendar year, a designated reporter shall provide the tax commissioner ~~and the superintendent of insurance~~, in the form prescribed by the tax commissioner in consultation with the superintendent of insurance, all of the following:

(a) The name, address, and taxpayer identification number of each project owner and equity owner that has been allocated a portion of the annual credit awarded on the eligibility certificate for that year;

(b) The amount of the annual credit allocated to each such project owner and equity owner for such year and the tax against which the credit will be claimed;

(c) The total of the amounts listed for each project owner and equity owner under division (I)(1)(b) of this section, demonstrating that the total does not exceed the amount listed on the eligibility certificate for that year.

(2) A designated reporter shall notify the tax commissioner ~~and the superintendent of insurance~~ of any changes to the information reported in division (I)(1) of this section in the time and manner prescribed by the commissioner ~~and superintendent~~.

(3) No credit allocated under this section may be claimed by a project owner or equity owner for a year unless that owner and the amount of the credit allocated to that owner appear on the report required by division (I)(1) of this section for that year.

The tax commissioner shall provide a copy of the report, and any subsequent changes to the report, submitted by the designated reporter under division (I) of this section to the

superintendent of insurance in the time and manner agreed to by the commissioner and superintendent.

Sec. 175.17. (A) As used in this section:

(1) "Qualified project" means a project to develop single-family dwellings in this state that satisfies any qualifications established by the director under division (I) of this section.

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

(3) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent under division (B) of this section.

(4) "Annual credit amount" means the amount computed by the director under division (D) of this section before issuing an eligibility certificate.

(5) "Equity owner" means any person who directly or indirectly, through one or more pass-through entities, is a member, partner, or shareholder of a pass-through entity.

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

(7) "Eligibility certificate" means a certificate issued by the director to a project development owner under division (D) of this section.

(8) "Project development owner" means a unit of government that owns a qualified project.

(9) "Affordability period" means the period that commences on the date of sale of a single-family dwelling constructed as part of a qualified project to the initial qualified buyer and

continues through subsequent qualified buyers for ten years.

(10) "Designated reporter" means the project development owner or one of the owner's direct or indirect partners, members, or shareholders, as selected by the owner under division (B) of this section.

(11) "Project development investor" means any person that contributes capital to a qualified project in exchange for an allocation of a tax credit under this section.

(12) "Credit period" means the ten-year period that begins in the year the eligibility certificate is issued.

(13) "Director" means the executive director of the Ohio housing finance agency.

(14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority.

(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.

(B)(1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following:

(a) The name and address of the project development owner's designated reporter;

(b) The names and addresses of all members of the project development team;

(c) An estimate of the qualified project's development costs;

(d) Any other information as the director may require pursuant to division (I) of this section.

The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I)(1) of this section. The director shall determine the credit amount reserved for each qualified project, which shall not exceed the difference between the total estimated development costs included with the application and the appraised market value of all homes in the finished project, as estimated by the director. The director shall not reserve a credit under this section if doing so would exceed the annual limit prescribed by division (B)(3) of this section.

(2) The director shall send written notice of the tax credit reservation to the project development owner of an approved qualified project. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate and filing the information required by division (H) of this section.

(3) The amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (a) fifty million dollars, (b) the amount, if any, by which the credit allocation prescribed by this division for the preceding fiscal year exceeds the credits reserved by the

director in that year, and (c) the amount of tax credits recaptured, assessed, and collected by the tax commissioner or superintendent of insurance, and disallowed or subject to reduction under this section in the preceding fiscal year. For the purpose of computing and determining compliance with the credit allocation prescribed by division (B)(3) of this section, the credit amount reserved for the project development owner is the full amount for all years of the qualified project's credit period.

(4) The director shall not reserve a tax credit under this section after June 30, 2027.

(C) The project development owner shall maintain ownership of a qualified project and associated single-family dwellings until the dwellings are sold to qualified buyers. The project development team shall service the associated properties of a qualified project for the duration of the applicable affordability period.

The qualified buyer of a single-family home constructed as part of a qualified project for which a tax credit was reserved under this section shall occupy the home as the buyer's primary residence during the affordability period.

(D) Upon completion of a qualified project for which a tax credit was reserved under this section, the project development owner shall notify the director and provide a final development cost certification for approval. After receipt of this notice, the director shall appraise the project's dwellings. Immediately after approving the final cost certification, the director shall compute the amount of the tax credit that may be claimed in each year and issue an eligibility certificate to the project development owner. That annual amount, which shall be stated on

the certificate, shall equal one-tenth of the reserved credit amount stated in the notice issued under division (B) of this section, subject to any reduction or increase as the result of the approval of the final cost certification and the appraisal conducted under this division.

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and the taxpayer identification number of the project development owner, the project development owner's designated reporter, and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director may require by rule. The director shall certify a copy of each eligibility certificate to the tax commissioner and the superintendent of insurance.

(F)(1) For each year of a qualified project's credit period, a project development owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount listed on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of the Revised Code.

(2) A project development owner may or, if the owner is not subject to any tax against which the credit authorized under this section may be claimed, shall allocate all or a portion of the annual credit amount for any year of a qualified project's credit period among one or more project development investors. Such allocated credits may be applied by those project development investors or the equity owners of such an investor

that is a pass-through entity against more than one tax, as applicable, but the total credits claimed for that year of the qualified project's credit period by all project development investors and equity owners shall not exceed the annual credit amount stated on the eligibility certificate.

(3) A project development investor or the equity owner of such an investor that is a pass-through entity may claim the credit authorized by this section after the date the director issues an eligibility certificate under division (D) of this section and the applicable annual report required by division (H) of this section is filed by the designated reporter.

(4) A project development investor or equity owner that claims a tax credit under division (F)(2) of this section shall submit a copy of the eligibility certificate with the investor's or equity owner's tax return. Upon request of the tax commissioner or the superintendent of insurance, any project development investor or equity owner claiming a tax credit under that division shall provide the tax commissioner or superintendent other documentation that may be necessary to verify that the project development investor or equity owner is entitled to claim the credit.

(G) The director may disallow or recapture any portion of a credit if the project development owner or the project development owner's qualified project does not or ceases to qualify for the credit. If the director determines to recapture such a tax credit, the director shall certify the name of the project development owner, and the amount to be recaptured to the tax commissioner and to the superintendent of insurance. The tax commissioner or superintendent shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the

credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as applicable, for the amount to be recaptured. The time limitations on assessments under those chapters do not bar an assessment made under this division.

(H) For each calendar year, a designated reporter shall provide the following information to the ~~director~~ tax commissioner on a form prescribed by the ~~director~~ commissioner in consultation with ~~the tax commissioner and~~ the superintendent of insurance:

(1) A list of each project development investor or equity owner that has been allocated a portion of the annual credit awarded in an eligibility certificate for that year, including the investor or owner's name, address, taxpayer identification number, and the tax against which the credit will be claimed by each.

(2) For each project development investor or equity owner, the amount of annual credit that has been allocated for that year.

(3) An aggregate list of the credit amount allocated for a qualified project demonstrating that the aggregate annual amount of the credits allocated does not exceed the aggregate annual credit awarded in the eligibility certificate.

A designated reporter shall notify the ~~director~~ tax commissioner of any changes to the information reported under division (H) of this section in the time and manner prescribed by the ~~director~~commissioner. The ~~director~~ commissioner shall provide a copy of the report, and any subsequent changes to the

report, submitted by the designated reporter under division (H) of this section to ~~the tax commissioner and~~ the superintendent of insurance in the time and manner ~~prescribed~~ agreed to by the commissioner and superintendent.

No credits allocated under this section may be claimed unless the credits are listed on the report required by division (H) of this section.

(I)(1) The director shall adopt a plan for competitively awarding tax credits under this section. The plan shall establish the criteria and metrics under which projects will be assessed for qualification and may allocate tax credits in a pooled manner.

(2) The director may assess application, processing, and reporting fees to cover the cost of administering this section.

(3) The director, in consultation with the tax commissioner and the superintendent of insurance, shall adopt any rules necessary to implement this section in accordance with Chapter 119. of the Revised Code. Such rules may include all of the following:

(a) Supplementary definitions as may be necessary to administer this section.

(b) Underwriting criteria to assess the risk associated with any application and determine appropriate criteria to deny an application based upon risk.

(c) Criteria by which a project development owner shall be responsible for any or all risk associated with a qualified project such as homeowner abandonment, default, foreclosure, or other such risks.

(d) Criteria to maintain the affordability of each of a qualified project's single-family dwellings during the affordability period, which may include a deed restriction held by the project development owner for some or all of the amount of the tax credit or any appreciated value of the property.

(e) Requirements that the project development owner provide certain capital assets or other investments that contribute to the affordability of the project.

(f) Criteria to be used in determining whether an individual is a qualified buyer.

(g) Criteria regarding the purchase, ownership, and sale of completed qualified project single-family dwellings.

(h) The manner of determining the project's development costs and the appraised market value of qualified project single-family dwellings.

(i) Any other qualifications a project must meet to qualify as a qualified project.

Sec. 307.515. (A) All fines and penalties collected by, and moneys arising from forfeited bail in, a municipal court for offenses and misdemeanors brought for prosecution in the name of a municipal corporation under one of its penal ordinances, where there is in force a state statute under which the offense might be prosecuted, or brought for prosecution in the name of the state, except a portion of those fines, penalties, and moneys that, plus all costs collected monthly in those state cases, equal the compensation allowed by the board of county commissioners to the judges of the municipal court, its clerk, and the prosecuting attorney of that court in state cases, shall be retained by the clerk of that municipal court and shall be

deposited by the clerk each month in the county law library resources fund that is created under section 307.514 of the Revised Code in the county in which that municipal corporation is located. The sum that the clerk of the municipal court deposits in the county law library resources fund shall in no month be less than twenty-five per cent of the amount of such fines, penalties, and moneys received in that month, without deducting the amount of the allowance of the board of county commissioners to the judges, clerk, and prosecuting attorney.

The total amount paid under this section in any one calendar year by the clerks of all municipal courts in any one county to the county law library resources fund shall in no event exceed the following amounts:

(1) In counties having a population of fifty thousand or less, seventy-five hundred dollars and the maximum amount paid by any of such courts shall not exceed four thousand dollars in any calendar year.

(2) In counties having a population in excess of fifty thousand but not in excess of one hundred thousand, eight thousand dollars and the maximum amount paid by any of such courts shall not exceed five thousand five hundred dollars in any calendar year.

(3) In counties having a population in excess of one hundred thousand but not in excess of one hundred fifty thousand, ten thousand dollars and the maximum amount paid by any of such courts shall not exceed seven thousand dollars in any calendar year.

(4) In counties having a population of in excess of one hundred fifty thousand, fifteen thousand dollars in any calendar

year. The maximum amount to be paid by each clerk shall be determined by the county auditor in December of each year for the next succeeding calendar year and shall bear the same ratio to the total amount payable under this section from the clerks of all municipal courts in such county as the total fines, costs, and forfeitures received by the corresponding municipal court, bear to the total fines, costs, and forfeitures received by all the municipal courts in the county, as shown for the last complete year of actual receipts, on the latest available budgets of such municipal courts. Payments in the full amounts provided in this section shall be made monthly by each clerk in each calendar year until the maximum amount for such year has been paid. When that amount, so determined by the auditor, has been paid to the county law library resources fund, then no further payments shall be required in that calendar year from the clerk of that court.

(5) This section does not apply to fines collected by a municipal court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

(B) The county treasurer, upon the voucher of the county auditor, shall deposit fifty per cent of all moneys collected by a county court accruing from fines, penalties, and forfeited bail, unless otherwise distributed by law, in the county law library resources fund in that county that is created under section 307.514 of the Revised Code. The county treasurer shall deposit those moneys into that fund within thirty days after those moneys have been paid into the county treasury by the

clerk of the county court.

This section does not apply to fines collected by a county court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

(C) In each county of the state, the clerk of the court of common pleas and the clerk of the probate court shall retain all fines and penalties collected by, and moneys arising from forfeited bail in, the court of common pleas and the probate court of that county for offenses and misdemeanors brought for prosecution in those courts in the name of the state and monthly shall deposit those moneys in the county law library resources fund in that county that is created under section 307.514 of the Revised Code. The total sums so deposited shall not exceed twelve hundred fifty dollars per annum, and when that amount has been deposited in the fund in accordance with this section then no further payments shall be required under this section in that calendar year from the clerks of those respective courts.

This section does not apply to fines collected by a court of common pleas for violations of division (B) of section 4513.263 of the Revised Code, all of which shall be forwarded to the treasurer of state as provided in ~~division (E) of~~ that section.

This section does not apply to fines imposed under division (B)(9) of section 2929.18 of the Revised Code and collected by a court of common pleas, all of which shall be forwarded by the court to the treasurer of state not later than the twentieth day of the month after the month in which they are

collected for deposit into the state treasury to the credit of the rape crisis program trust fund created by section 109.921 of the Revised Code.

(D) In each county, the treasurer of the county or the treasurer of the municipal corporation shall deposit monthly fifty per cent of all fines and penalties collected by, and fifty per cent of moneys arising from forfeited bail in, any court in that county for offenses brought for prosecution under Chapters 4301. and 4303. of the Revised Code and the state traffic laws in the county legal resources fund in that county that is created under section 307.514 of the Revised Code. The sum so deposited in that fund by each treasurer shall not exceed twelve hundred dollars per annum under Chapters 4301. and 4303. of the Revised Code, and when that amount has been deposited in that fund in accordance with this section, then no further deposits shall be required under this section in that calendar year from those treasurers.

As used in this section, "state traffic laws" does not include division (B) of section 4513.263 of the Revised Code.

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of the amount specified in section 9.17 of the Revised Code, except as otherwise provided in division (D) of section 713.23 and in

sections 9.48, 125.04, ~~125.60 to 125.6012~~125.601, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. No purchase, lease, project, or other transaction subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when any of the following applies:

(1) The estimated cost is less than one hundred twenty-five thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

(3) The product to be purchased is personal protective equipment and the purchase is completed during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.

For purposes of this division:

"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

"Unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum,

are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred twenty-five thousand dollars, but the estimated cost is the amount specified in section 9.17 of the Revised Code or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.

(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.

(C) The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, educational service center, township, or municipal corporation.

(D) The purchase is made by a county department of job and family services under section 329.04 of the Revised Code and consists of family services duties or workforce development

activities or is made by a county board of developmental disabilities under section 5126.05 of the Revised Code and consists of program services, such as direct and ancillary client services, child care, case management services, residential services, and family resource services.

(E) The purchase consists of criminal justice services, social services programs, family services, or workforce development activities by the board of county commissioners from nonprofit corporations or associations under programs funded by the federal government or by state grants.

(F) The purchase consists of any form of an insurance policy or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, plans, or services that the contracting authority is authorized to purchase, and the contracting authority does all of the following:

(1) Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of the purchase;

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software,

or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property.

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanant delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

(N) The purchase consists of used supplies and is made at a public auction.

Any issuer of policies, contracts, plans, or services listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be

kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and negotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract, unless the parties agree upon terms for extensions or renewals of the contract. Such extension or renewal periods shall not exceed six years from the date the initial contract is signed.

Any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

As used in division (N) of this section, "supplies" means any personal property including equipment, materials, and other tangible assets.

Sec. 307.985. Each board of county commissioners shall develop a written transportation work plan that establishes policies regarding the transportation needs of low income residents of the county seeking or striving to retain employment. In developing the transportation work plan, the board shall consult with all of the following:

(A) The county department of job and family services;

(B) If a regional transit authority created under section 306.32 of the Revised Code serves the county, the regional transit authority;

(C) If a community action agency, as defined in section ~~122.66~~ 5101.311 of the Revised Code, serves the county, the community action agency;

(D) As designated by the board of county commissioners, representatives of private ~~non-profit~~ nonprofit and government entities that work with issues related to economic development, employment, and persons with physical disabilities;

(E) Other individuals designated by the board of county commissioners.

Sec. 340.01. (A) As used in this chapter:

(1) "Addiction," "addiction services," "alcohol and drug addiction services," "alcohol use disorder," "certifiable services and supports," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "included opioid and co-occurring drug addiction services and recovery supports," "mental health services," "mental illness," "recovery housing residence," and "recovery supports" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of alcohol use disorder or drug addiction, prevention of relapse, or both.

(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of counties having a population of at least fifty thousand. With the approval of the director of ~~mental~~ behavioral health ~~and addiction services~~, any county or combination of counties having a population of less than fifty thousand may establish such a district. Districts comprising more than one county shall be known as joint-county districts.

The board of county commissioners of any county participating in a joint-county district may submit a resolution requesting withdrawal from the district together with a comprehensive plan or plans that are in compliance with rules adopted by the director of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.22 of the Revised Code to the board of alcohol, drug addiction, and mental health services, to the boards of county commissioners of each county in the district, and to the director. The plan or plans shall include all of the following: proposed bylaws for the operation of the newly established district; a list of potential board members; a list of the behavioral health services available in the newly established district, including inpatient, outpatient, prevention, and housing services; equitable adjustment and division of all services, assets, property, debts, and obligations of the former joint-county district; a plan ensuring no disruption in behavioral health services in the newly established district; and provision for the employment of an executive director of the newly established district.

The director shall approve the plan not later than one year after the date the resolution was adopted by the board of county commissioners. No county participating in a joint-county district may withdraw from the district without the consent of

the director of ~~mental~~ behavioral health ~~and addiction services~~ nor earlier than one year after the submission of such resolution unless all of the participating counties agree to an earlier withdrawal.

Any county withdrawing from a joint-county district shall continue to have levied against its tax list and duplicate any tax levied by the district during the period in which the county was a member of the district until such time as the levy expires or is renewed or replaced.

(C) For any tax levied under section 5705.19 of the Revised Code by a board of a joint-county district formed on or after April 3, 2023, revenue from the tax shall only be expended for the benefit of the residents of the county from which the revenue is derived. For the purpose of this division, a joint-county district is not formed by virtue of a county joining or withdrawing from a district or if a joint-county service district merges with another joint-county district.

Sec. 340.011. (A) This chapter shall be interpreted to accomplish all of the following:

(1) Establish a unified system of treatment for persons with mental illnesses and persons with addictions;

(2) Establish a community support system available for every alcohol, drug addiction, and mental health service district;

(3) Protect the personal liberty of persons with mental illnesses so that they may be treated in the least restrictive environment;

(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally

sensitive services;

(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for persons with severe mental disabilities;

(6) Ensure that services provided meet minimum standards established by the director of ~~mental~~ behavioral health ~~and addiction services~~;

(7) Promote the delivery of high quality and cost-effective addiction and mental health services;

(8) Promote the participation of persons receiving mental health services and addiction services in the planning, delivery, and evaluation of these services.

(B) Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section 340.08 of the Revised Code and approved by the department of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.22 of the Revised Code.

Sec. 340.02. (A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services. As provided in this section, the board shall consist of eighteen members, fifteen members, fourteen members, twelve members, or nine members.

In a single-county district, the size of the board shall be determined by the board of county commissioners representing the county that constitutes the district. In a joint-county

district, the size of the board shall be determined jointly by all of the boards of county commissioners representing the counties that constitute the district.

The determination of board size shall be made by selecting one of the options described in division (B) of this section. After an option is selected and implemented, a subsequent determination of board size may be made, except that subsequent determinations shall not occur more frequently than once every four calendar years.

If a selected option would result in a change in board size, before the option may be implemented the board of county commissioners or boards of county commissioners, as the case may be, shall send a representative to a meeting of the board of alcohol, drug addiction, and mental health services to solicit feedback about the matter. After considering any feedback received, the board or boards of county commissioners may proceed with implementing the change in board size. If the change results in a reduction of board members, the reduction shall be implemented by not filling vacancies as they occur.

To implement a selected option that would result in the establishment of a new board of alcohol, drug addiction, and mental health services or in a change in size of an existing board, the board or boards of county commissioners, as the case may be, shall adopt a resolution specifying the board size that has been selected. The board or boards of county commissioners also shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~ of the board size that has been selected.

(B)(1) In the case of a board of alcohol, drug addiction, and mental health services that is established on or after ~~the effective date of this amendment~~ October 3, 2023, any of the

following options may be selected for purposes of division (A) of this section:

(a) To establish the board as an eighteen-member board;

(b) To establish the board as a fifteen-member board;

(c) To establish the board as a fourteen-member board;

(d) To establish the board as a twelve-member board;

(e) To establish the board as a nine-member board;

(f) To change the board's size after it has been established by selecting a number of members that is eighteen, fifteen, fourteen, twelve, or nine, as the case may be.

(2) In the case of a board of alcohol, drug addiction, and mental health services that existed immediately prior to ~~the effective date of this amendment~~ October 3, 2023, either of the following options may be selected for purposes of division (A) of this section:

(a) To continue the board's operation as an eighteen-member or fourteen-member board, as a board of that size was authorized prior to ~~the effective date of this amendment~~ October 3, 2023, in which case no further action is required;

(b) To change the board's size by selecting a number of members that is eighteen, fifteen, fourteen, twelve, or nine as the case may be.

(C) All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex.

The director of ~~mental~~ behavioral health ~~and addiction~~

~~services~~ shall appoint one-third of the members of the board and the board of county commissioners shall appoint two-thirds of the members. In a joint-county district, the board of county commissioners of each participating county shall appoint members in as nearly as possible the same proportion as that county's population bears to the total population of the district, except that at least one member shall be appointed from each participating county.

The director of ~~mental~~ behavioral health ~~and addiction services~~ shall ensure that at least one member of the board is a clinician with experience in the delivery of mental health services, at least one member of the board is a person who has received or is receiving mental health services, at least one member of the board is a parent or other relative of such a person, at least one member of the board is a clinician with experience in the delivery of addiction services, at least one member of the board is a person who has received or is receiving addiction services, and at least one member of the board is a parent or other relative of such a person. A single member who meets both qualifications may fulfill the requirement for a clinician with experience in the delivery of mental health services and a clinician with experience in the delivery of addiction services.

No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of the board of any provider with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No member of a board of alcohol, drug addiction, and mental health services shall be an employee of any provider with which the board has entered into a contract for the provision of services

or facilities. No person shall be an employee of a board and such a provider unless the board and provider both agree in writing.

No person shall serve as a member of the board of alcohol, drug addiction, and mental health services whose spouse, child, parent, brother, sister, grandchild, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a member of the board of any provider with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No person shall serve as a member or employee of the board whose spouse, child, parent, brother, sister, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a county commissioner of a county or counties in the alcohol, drug addiction, and mental health service district.

Each year each board member shall attend at least one inservice training session provided or approved by the department of ~~mental~~ behavioral health ~~and addiction services~~.

Each member shall be appointed for a term of four years, commencing the first day of July, except that when a board is established on or after ~~the effective date of this amendment~~ October 3, 2023, the initial appointments shall be staggered among the members as equally as possible with terms of two years, three years, and four years.

No member shall serve more than two consecutive four-year terms under the same appointing authority. A member may serve for three consecutive terms under the same appointing authority only if one of the terms is for less than two years. A member

who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment by the same appointing authority one year following the end of the second or third term, respectively.

When a vacancy occurs, appointment for the expired or unexpired term shall be made in the same manner as an original appointment. The board shall notify the appointing authority either by certified mail or, if the board has record of an internet identifier of record associated with the authority, by ordinary mail and by that internet identifier of record of any vacancy and shall fill the vacancy within sixty days following that notice. As used in this paragraph, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

Any member of the board may be removed from office by the appointing authority at will. Before a member may be removed at will, the member shall be informed in writing of the proposed removal and afforded an opportunity for a public hearing. Upon the absence of a member within one year from either four board meetings or from two board meetings without prior notice, the board shall notify the appointing authority, which may vacate the appointment and appoint another person to complete the member's term.

Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties, as defined by rules of the department of ~~mental~~ behavioral health ~~and addiction services~~.

Sec. 340.021. (A) In an alcohol, drug addiction, and mental health service district where the board of county

commissioners has established an alcohol and drug addiction services board, the community mental health board established under former section 340.02 of the Revised Code shall serve as the entity responsible for providing mental health services in the county. A community mental health board has all the powers, duties, and obligations of a board of alcohol, drug addiction, and mental health services with regard to mental health services. An alcohol and drug addiction services board has all the powers, duties, and obligations of a board of alcohol, drug addiction, and mental health services with regard to addiction services. Any provision of the Revised Code that refers to a board of alcohol, drug addiction, and mental health services with regard to mental health services also refers to a community mental health board and any provision that refers to a board of alcohol, drug addiction, and mental health services with regard to alcohol and drug addiction services also refers to an alcohol and drug addiction services board.

An alcohol and drug addiction services board shall consist of eighteen members or fourteen members, at the election of the board. Not later than January 1, 2014, each alcohol and drug addiction services board shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~ of its election to operate as an eighteen-member board or to operate as a fourteen-member board. The election shall be final. Failure to provide notice of its election to the department on or before January 1, 2014, shall constitute an election to continue to operate as an eighteen-member board. If an existing board provides timely notice of its election to operate as a fourteen-member board, the number of board members may decline from eighteen to fourteen by attrition as current members' terms expire. However, the composition of the board must reflect the requirements set

forth in this section and in applicable provisions of section 340.02 of the Revised Code for fourteen-member boards. For boards operating as eighteen-member boards, six members shall be appointed by the director of ~~mental~~ behavioral health ~~and addiction services~~ and twelve members shall be appointed by the board of county commissioners. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall ensure that at least one member of the board is a person who has received or is receiving services for alcohol, drug, or gambling addiction, at least one member is a parent or relative of such a person, and at least one member is a clinician with experience in the delivery of addiction services. The membership of the board shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex. Members shall be residents of the service district and shall be interested in alcohol, drug, or gambling addiction services. Requirements for membership, including prohibitions against certain family and business relationships, and terms of office shall be the same as those for members of boards of alcohol, drug addiction, and mental health services.

A community mental health board shall consist of eighteen members or fourteen members, at the election of the board. Not later than January 1, 2014, each community mental health board shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~ of its election to operate as an eighteen-member board or to operate as a fourteen-member board. The election shall be final. Failure to provide notice of its election to the department on or before January 1, 2014, shall constitute an election to continue to operate as an eighteen-member board. If an existing board provides timely notice of its election to operate as a fourteen-member board, the number of

board members may decline from eighteen to fourteen by attrition as current members' terms expire. However, the composition of the board must reflect the requirements set forth in this section and in applicable provisions of section 340.02 of the Revised Code for fourteen-member boards. For boards operating as eighteen-member boards, six members shall be appointed by the director of ~~mental~~ behavioral health ~~and addiction services~~ and twelve members shall be appointed by the board of county commissioners. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall ensure that at least one member of the board is a person who has received or is receiving mental health services, at least one member is a parent or relative of such a person, and at least one member is a clinician with experience in the delivery of mental health services. The membership of the board as nearly as possible shall reflect the composition of the population of the service district as to race and sex. Members shall be residents of the service district and shall be interested in mental health services. Requirements for membership, including prohibitions against certain family and business relationships, and terms of office shall be the same as those for members of boards of alcohol, drug addiction, and mental health services.

(B)(1) If a board of county commissioners subject to division (A) of this section did not adopt a final resolution providing for a board of alcohol, drug addiction, and mental health services on or before July 1, 2007, the board of county commissioners may establish a board of alcohol, drug addiction, and mental health services on or after September 23, 2008. To establish the board, the board of county commissioners shall adopt a resolution providing for the board's establishment. The composition of the board, the procedures for appointing members,

and all other matters related to the board and its members are subject to section 340.02 of the Revised Code, with the following exceptions:

(a) For initial appointments to the board, the county's community mental health board and alcohol and drug addiction services board shall jointly recommend members of those boards for reappointment and shall submit the recommendations to the board of county commissioners and the director of ~~mental~~ behavioral health ~~and addiction services~~.

(b) The appointing authorities shall appoint the initial members from among the members jointly recommended under division (B)(1)(a) of this section unless the appointment is otherwise prohibited by law.

(2) If a board of alcohol, drug addiction, and mental health services is established pursuant to division (B)(1) of this section, the board has the same rights, privileges, immunities, powers, and duties that were possessed by the county's community mental health board and alcohol and drug addiction services board. When the board is established, all property and obligations of the community mental health board and alcohol and drug addiction services board shall be transferred to the board of alcohol, drug addiction, and mental health services.

Sec. 340.022. Notwithstanding the procedures established by section 340.02 of the Revised Code for determining the size of a board of alcohol, drug addiction, and mental health services, the size of a board shall be determined in accordance with this section in both of the following circumstances:

(A)(1) If the director of ~~mental~~ behavioral health ~~and~~

~~addiction services~~ during the period beginning January 1, 2021, and ending December 31, 2022, grants approval to a board of county commissioners of a county with a population of at least seventy thousand but not more than eighty thousand, according to data from the 2010 federal census, to withdraw from a joint-county alcohol, drug addiction, and mental health service district pursuant to section 340.01 of the Revised Code, the size of the board shall be determined by the board of county commissioners representing the county that constitutes the single-county alcohol, drug addiction, and mental health service district created as a result of the withdrawal. The determination shall be made from among the options that may be selected under division (A)(2) of this section. Once an option is selected, the board of county commissioners shall adopt a resolution specifying the selection that has been made and shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~. After the resolution is adopted and the department is notified, the determination of size is final.

(2) In the case of a board of alcohol, drug addiction, and mental health services that is established on or after the date the director grants the approval to withdraw described in division (A)(1) of this section, either of the following options may be selected by the board of county commissioners when making the determination required under that division:

(a) To establish the board as an eighteen-member board;

(b) To establish the board as a fourteen-member board.

(3) When a board is established on or after September 30, 2021, the initial appointments shall be staggered among the members as equally as possible with terms of two years, three years, and four years.

(B)(1) If a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (B)(1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code.

Sec. 340.03. (A) Subject to rules issued by the director of ~~mental~~ behavioral health ~~and addiction services~~ after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;

(b) In cooperation with other local and regional planning

and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting priorities for addiction services and mental health services. When a board sets priorities for addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code.

(c) In accordance with guidelines issued by the director of ~~mental~~ behavioral health ~~and addiction services~~ under division (F) of section 5119.22 of the Revised Code, annually develop and submit to the department of ~~mental~~ behavioral health ~~and addiction services~~ a community addiction and mental health plan that addresses both of the following:

(i) The needs of all residents of the service district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code;

(ii) The department's priorities for facility services, addiction services, mental health services, and recovery supports during the period for which the plan will be in effect. The department shall inform all of the boards of the

department's priorities in a timely manner that enables the boards to know the department's priorities before the boards develop and submit the plans.

In alcohol, drug addiction, and mental health service districts that have separate alcohol and drug addiction services and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction plan and the community mental health board shall submit a community mental health plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction and mental health systems and populations with regard to needs and priorities in developing its plan.

The department shall approve or disapprove the plan, in whole or in part, in accordance with division (G) of section 5119.22 of the Revised Code. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend an approved plan, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

The board shall operate in accordance with the plan approved by the department.

(d) Promote, arrange, and implement working agreements with social service agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate,

any complaint alleging abuse or neglect of any person receiving addiction services, mental health services, or recovery supports from a community addiction services provider or community mental health services provider or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of ~~mental~~ behavioral health ~~and addiction services~~ in visiting and evaluating whether the certifiable services and supports of a community addiction services provider or community mental health services provider satisfy the certification standards established by rules adopted under that section. In addition, a board may provide input and recommendations to the department when an application for certification or the renewal of a certification has been submitted by a provider or when a provider is being investigated by the department, if the board, in either of those circumstances, is aware of information that would be beneficial to the department's consideration of the matter.

(4) In accordance with criteria established under division (D) of section 5119.22 of the Revised Code, conduct program audits that review and evaluate the quality, effectiveness, and efficiency of addiction services, mental health services, and recovery supports provided by community addiction services providers and community mental health services providers under

contract with the board and submit the board's findings and recommendations to the department of ~~mental~~ behavioral health ~~and addiction services~~;

(5) In accordance with section 5119.34 of the Revised Code, review an application for a residential facility license and provide to the department of ~~mental~~ behavioral health ~~and addiction services~~ any information about the applicant or facility that the board would like the department to consider in reviewing the application;

(6) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs, addiction services, mental health services, and recovery supports provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of ~~mental~~ behavioral health ~~and addiction services~~, the auditor of state, and the county auditor of each county in the board's district.

(7) Recruit and promote local financial support for addiction services, mental health services, and recovery supports from private and public sources;

(8) In accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance, approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for addiction services, mental health services, and recovery supports provided by community addiction services providers and community mental health services providers that have contracted with the board under section 340.036 of the Revised Code;

(9) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the addiction services, mental health services, and recovery supports under the jurisdiction of the board, including a fiscal accounting;

(10) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate;

(11) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the list of addiction services, mental health services, and recovery supports submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to persons with severe mental disabilities residing within its service district. The board shall establish the procedure for authorizing payment for the services and supports, which may include prior authorization in appropriate circumstances. In accordance with section 340.037 of the Revised Code, the board may provide addiction services and mental health services directly to a person with a severe mental disability when life or safety is endangered and when no community addiction services provider or community mental health services provider is available to provide the service.

(12) Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction services provider or community mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction services provider or community mental health services provider. This division does not apply to residential facilities licensed pursuant to section 5119.34 of the Revised Code.

(13) Establish a mechanism for obtaining advice and involvement of persons receiving addiction services, mental health services, or recovery supports on matters pertaining to services and supports in the alcohol, drug addiction, and mental health service district;

(14) Perform the duties required by rules adopted under section 5119.22 of the Revised Code regarding referrals by the board or community mental health services providers under contract with the board of individuals with mental illness or severe mental disability to class two residential facilities licensed under section 5119.34 of the Revised Code and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.

(B) Each board of alcohol, drug addiction, and mental health services shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to

section 121.22 of the Revised Code.

(F)(1) A board of alcohol, drug addiction, and mental health services may establish a rule, operating procedure, standard, or bylaw to allow the executive director of the board to execute both of the following types of contracts valued at twenty-five thousand dollars or less, as determined by the board, on behalf of the board without the board's prior approval:

(a) Emergency contracts for clinical services or recovery support services;

(b) Standard service contracts pertaining to the board's operations.

(2) If a board establishes a rule, operating procedure, standard, or bylaw under division (F)(1) of this section, both of the following shall be the case:

(a) The board shall define the scope of contracts described in divisions (F)(1)(a) and (b) of this section in that rule, operating procedure, standard, or bylaw.

(b) The board shall disclose the existence of a contract executed pursuant to the rule, operating procedure, standard, or bylaw at the first board meeting that occurs after the contract was executed and ensure that a record of that disclosure is included in the written minutes of that meeting.

Sec. 340.032. Subject to rules adopted by the director of ~~mental~~ behavioral health ~~and addiction services~~ after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Establish, to the extent resources are available, a community-based continuum of care that includes all of the following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement activities:

(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;

(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.

(3) Assessment services;

(4) Care coordination;

(5) Residential services;

(6) At least the following outpatient services:

(a) Nonintensive;

(b) Intensive, such as partial hospitalization and assertive community treatment;

(c) Withdrawal management;

(d) Emergency and crisis.

(7) Where appropriate, at least the following inpatient services:

(a) Psychiatric care;

(b) Medically managed alcohol or drug treatment.

(8) At least all of the following recovery supports:

(a) Peer support;

(b) A wide range of housing and support services, including recovery housing residences;

(c) Employment, vocational, and educational opportunities;

(d) Assistance with social, personal, and living skills;

(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;

(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.

(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;

(10) Any additional elements the department of ~~mental~~ behavioral health ~~and addiction services~~, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;

(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.

Sec. 340.034. All of the following apply to recovery housing residences required by section 340.033 of the Revised Code to be part of included opioid and co-occurring drug

addiction services and recovery supports:

(A) A recovery housing residence shall comply with the requirements of being monitored by the department of ~~mental~~ behavioral health ~~and addiction services~~ under sections 5119.39 to 5119.396 of the Revised Code and any rules adopted under section 5119.397 of the Revised Code, but the residence is not subject to residential facility licensure by the department under section 5119.34 of the Revised Code.

(B) A recovery housing residence shall not be operated by a board of alcohol, drug addiction, and mental health services unless any of the following applies:

(1) The board operated the recovery housing residence on July 1, 2017.

(2) The board utilizes local funds in the development or operation of the recovery housing residence.

(3) The board determines that there is a need for the board to assume operation of the recovery housing residence, such as when an existing operator of the residence goes out of business and the board considers the assumption of operation of the residence to be in the best interest of the community.

(C) A recovery housing residence shall have protocols for all of the following:

(1) Administrative oversight;

(2) Quality standards;

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.

(D) Family members of a resident of a recovery housing

residence may reside in the residence to the extent permitted by protocols of the residence.

(E) A recovery housing residence shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the residence's protocols, in collaboration with the residence's operator, and, if appropriate, in consultation and integration with a community addiction services provider.

(F) A recovery housing residence may permit its residents to receive medication-assisted treatment.

(G) A resident of a recovery housing residence may receive addiction services that are certified by the department under section 5119.36 of the Revised Code.

Sec. 340.036. (A) Subject to division (B) of this section and rules adopted by the director of ~~mental~~ behavioral health ~~and addiction services~~ after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following:

(1) Public and private facilities for the operation of facility services;

(2) Community addiction services providers for addiction services and recovery supports;

(3) Community mental health services providers for mental health services and recovery supports.

(B) No board shall do any of the following:

(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;

(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code;

(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or competencies.

(C) When a board contracts with a community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery supports, all of the following apply:

(1) The board shall consider both of the following:

(a) The cost effectiveness and quality of the provider's services and supports;

(b) Continuity of care.

(2) The board may review cost elements, including salary costs, of the services and supports.

(3) The board may establish, in a way that is most effective and efficient in meeting local needs, a utilization review process as part of the contract.

(4) The board may contract with a government entity, for-profit entity, or nonprofit entity. Any such entity may be

faith-based.

(D) If a party to a contract entered into under this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one-hundred-twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to another entity with the cost to be shared by the parties. Not later than twenty days before the expiration date of the contract or a later date to which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution process.

(E) Section 307.86 of the Revised Code does not apply to contracts entered into under this section.

Sec. 340.037. (A) Subject to division (B) of this section and rules adopted by the director of ~~mental~~ behavioral health ~~and addiction services~~ after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, a board of alcohol, drug addiction, and mental health services may operate a facility or provide an addiction service or mental health service if both of the following apply:

(1) The director gives the board prior approval;

(2) There is no other qualified private or public facility, community addiction services provider, or community mental health services provider that is immediately available and willing to operate such a facility or provide the service.

(B)(1) In an emergency situation, a board may operate a facility or provide an addiction service or mental health service in order to provide essential services for the duration of the emergency.

(2) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide an addiction service or mental health service for not longer than one year.

(3) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide an addiction service or mental health service for not longer than one year, except that the board may operate a facility or provide an addiction service or mental health service for more than one year with the prior approval of both of the following:

(a) The director;

(b) The board of county commissioners with jurisdiction over the service district or, if the service district is a joint-county district, a majority of the boards of county commissioners with jurisdiction over the district.

(C) The director shall not do any of the following:

(1) Except in an emergency situation, give a board approval to operate a facility or provide an addiction service or mental health service unless the director determines that it

is not feasible to have the department operate the facility or provide the service;

(2) Give a board that serves a service district with a population of less than one hundred thousand approval to operate a facility or provide an addiction service or mental health service unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility, community addiction services provider, or community mental health services provider;

(3) Give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility;

(4) Give a board approval to provide an addiction service or mental health service previously provided by a community addiction services provider or community mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board to take over providing the service.

(D) The director shall review and evaluate a board's operation of a facility and provision of addiction services or mental health services under this section.

(E) Nothing in this section authorizes a board to administer or direct the daily operation of any facility, community addiction services provider, or community mental

health services provider. However, a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.

Sec. 340.04. Each board of alcohol, drug addiction, and mental health services shall employ a qualified mental health or addiction services professional with experience in administration or a professional administrator with experience in mental health services or addiction services to serve as executive director of the board and shall prescribe the director's duties.

The board shall fix the compensation of the executive director. In addition to such compensation, the director shall be reimbursed for actual and necessary expenses incurred in the performance of the director's official duties. The board, by majority vote of the full membership, may remove the director for cause at any time, contingent upon any written contract between the board and the executive director, upon written charges, after an opportunity has been afforded the director for a hearing before the board on request.

The board may delegate to its executive director the authority to act in its behalf in the performance of its administrative duties.

As used in this section, "mental health professional" and "addiction services professional" mean an individual who is qualified to work with persons with mental illnesses or persons receiving addiction services, pursuant to standards established by the director of ~~mental~~ behavioral health ~~and addiction services~~ under Chapter 5119. of the Revised Code.

Sec. 340.041. In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall:

(A) Serve as executive officer of the board and, subject to the prior approval of the board for each contract, except contracts, if any, to which division (F) of section 340.03 of the Revised Code applies, execute contracts on its behalf;

(B) Supervise addiction services, mental health services, recovery supports, and facilities provided, operated, contracted, or supported by the board to the extent of determining that services, supports, and facilities are being administered in conformity with this chapter and rules of the director of ~~mental~~ behavioral health ~~and addiction services~~;

(C) Provide consultation to community addiction services providers and community mental health services providers;

(D) Recommend to the board the changes necessary to increase the effectiveness of addiction services, mental health services, and recovery supports and other matters necessary or desirable to carry out this chapter;

(E) Employ and remove from office such employees and consultants in the classified civil service and, subject to the approval of the board, employ and remove from office such other employees and consultants as may be necessary for the work of the board, and fix their compensation and reimbursement within the limits set by the salary schedule and the budget approved by the board;

(F) Encourage the development and expansion of preventive, treatment, and consultative services, as well as recovery supports, in the fields of addiction services and mental health

services with emphasis on continuity of care;

(G) Prepare for board approval an annual report of the addiction services, mental health services, recovery supports, and facilities under the jurisdiction of the board, including a fiscal accounting of all services and supports;

(H) Conduct such studies as may be necessary and practicable for the promotion of mental health, promotion of addiction services, and the prevention of mental illness, emotional disorders, and addiction;

(I) Authorize the county auditor, or in a joint-county district the county auditor designated as the auditor for the district, to issue warrants for the payment of board obligations approved by the board, provided that all payments from funds distributed to the board by the department of ~~mental~~ behavioral health ~~and addiction services~~ are in accordance with the budget submitted pursuant to section 340.08 of the Revised Code, as approved by the department of ~~mental~~ behavioral health ~~and addiction services~~.

Sec. 340.05. If a community addiction services provider or community mental health services provider receives a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability, or an individual receiving addiction services, who resides in a residential facility licensed under section 5119.34 of the Revised Code, the provider shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the residential facility is located. A board of alcohol, drug addiction, and mental health services that receives such a report from a community addiction services provider or community

mental health services provider of such a complaint shall report the complaint to the director of ~~mental~~ behavioral health ~~and addiction services~~ for the purpose of the director conducting an investigation under section 5119.34 of the Revised Code. The board may enter the facility with or without the director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights specified in rules adopted by the department of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.34 of the Revised Code. The board shall immediately report to the director regarding the board's actions under this section.

Sec. 340.07. The board of county commissioners of any county participating in an alcohol, drug addiction, and mental health service district or joint-county district, upon receipt from the board of alcohol, drug addiction, and mental health services of a resolution so requesting, may appropriate money to such board for the operation, lease, acquisition, construction, renovation, and maintenance of community addiction services providers, community mental health services providers, and facilities in accordance with the budget required by section 340.08 of the Revised Code and approved by the department of ~~mental~~ behavioral health ~~and addiction services~~ pursuant to section 5119.22 of the Revised Code.

Sec. 340.08. In accordance with rules or guidelines issued by the director of ~~mental~~ behavioral health ~~and addiction services~~, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Submit to the department of ~~mental~~ behavioral health ~~and addiction services~~ a proposed budget of receipts and

expenditures for all federal, state, and local moneys the board expects to receive.

(1) The proposed budget shall identify funds the board has available for included opioid and co-occurring drug addiction services and recovery supports.

(2) The proposed budget shall identify funds the board and public children services agencies in the board's service district have available to fund jointly the services described in section 340.15 of the Revised Code.

(3) The board's proposed budget for expenditures of state and federal funds distributed to the board by the department shall be deemed an application for funds, and the department shall approve or disapprove the budget for these expenditures in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved budget, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(B) Submit to the department a proposed list of addiction services, mental health services, and recovery supports the board intends to make available. The board shall include the services and supports required by section 340.032 of the Revised Code to be included in the community-based continuum of care and the services required by section 340.15 of the Revised Code. The board shall explain the manner in which the board intends to make such services and supports available. The list shall be compatible with the budget submitted pursuant to division (A) of

this section. The department shall approve or disapprove the list in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved list, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(C) Enter into a continuity of care agreement with the state institution operated by the department of ~~mental~~ behavioral health ~~and addiction services~~ and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not require the board to provide addiction services, mental health services, or recovery supports other than those on the list of services and supports submitted by the board pursuant to division (B) of this section and approved by the department in accordance with division (G) of section 5119.22 of the Revised Code.

(D) In conjunction with the department, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all

of the following:

(1) Centralize responsibility for the tracking of those persons;

(2) Provide for uniformity in monitoring those persons;

(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

(E) Submit to the department a report summarizing all of the following:

(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;

(2) Investigations of the complaints and grievances;

(3) Outcomes of the investigations.

(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.

(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system

administration, and oversight.

(I) Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section 5119.37 of the Revised Code that are operating within the board's district, based on information obtained from any of the following:

(1) The federal substance abuse and mental health services administration's opioid treatment program directory;

(2) A resource directory created by the department of ~~mental~~ behavioral health ~~and addiction services~~;

(3) The list maintained by the department of ~~mental~~ behavioral health ~~and addiction services~~ pursuant to division (P) of section 5119.37 of the Revised Code.

Sec. 340.09. (A) Using funds the general assembly appropriates for these purposes, the department of ~~mental~~ behavioral health ~~and addiction services~~ shall provide any county assistance for one or more of the following:

(1) The operation of the board of alcohol, drug addiction, and mental health services serving the county;

(2) The provision of addiction services, mental health services, and recovery supports included in the board's list of services and supports required by section 340.08 of the Revised Code and approved by the department under section 5119.22 of the Revised Code;

(3) The provision of approved support functions;

(4) The partnership in, or support for, approved community-based continuum of care-related activities.

(B) Support functions may include the following:

(1) Consultation;

(2) Research;

(3) Administrative;

(4) Referral and information;

(5) Training;

(6) Service and program evaluation.

Sec. 340.12. As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code.

No board of alcohol, drug addiction, and mental health services or any community addiction services provider or community mental health services provider under contract with such a board shall discriminate in the provision of addiction services, mental health services, or recovery supports under its authority, in employment, or under a contract on the basis of race, color, religion, ancestry, military status, sex, age, national origin, or disability.

Each board, community addiction services provider, and community mental health services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged groups as defined in division (E)(1) of section 122.71 of the Revised Code in percentages reflecting as nearly as possible the composition of the alcohol, drug addiction, and mental health service district served by the board. Each board and provider shall file a description of the affirmative action program and a progress report on its implementation with the department of

~~mental~~ behavioral health ~~and addiction services~~.

Sec. 340.13. (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section 122.922 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) of this section shall first apply to the department of development for certification as a minority business enterprise. Any EDGE business enterprise that desires to bid on a contract under division (D) of this section shall first apply to the department of development for certification as an EDGE business enterprise. The director of development shall approve the application of any minority business enterprise or EDGE business enterprise that complies with the rules adopted under section 122.71 or 122.922 of the Revised Code, respectively. The director shall prepare and maintain a list of minority business enterprises and EDGE business enterprises certified under those sections.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall select a number of contracts with an aggregate value of approximately fifteen per cent of the total estimated value of contracts to be awarded in the current fiscal year. The board shall set aside the contracts so selected for bidding by minority business enterprises only. The bidding procedures for such contracts shall be the same as for all other contracts

awarded under section 307.86 of the Revised Code, except that only minority business enterprises certified and listed pursuant to division (B) of this section shall be qualified to submit bids.

(D) To the extent that a board is authorized to enter into contracts for construction, the board shall strive to attain a yearly contract dollar procurement goal the aggregate value of which equals approximately five per cent of the aggregate value of construction contracts for the current fiscal year for EDGE business enterprises only.

(E)(1) In the case of contracts set aside under division (C) of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(2) If a board, after having made a good faith effort, is unable to comply with the goal of procurement for contracting with EDGE business enterprises pursuant to division (D) of this section, the board may apply in writing, on a form prescribed by the department of administrative services, to the director of ~~mental~~ behavioral health ~~and addiction services~~ for a waiver or modification of the goal.

(F) This section does not preclude any minority business enterprise or EDGE business enterprise from bidding on any other contract not specifically set aside for minority business enterprises or subject to procurement goals for EDGE business enterprises.

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental~~ behavioral health ~~and addiction services~~ that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 340.16. The department of ~~mental~~ behavioral health ~~and addiction services~~ and the department of medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 718.031. As used in this section, "sports gaming facility" and "type B sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code and ~~"lottery~~

~~sports gaming" has~~ "video lottery terminal" and "video lottery sales agent" have the same ~~meaning~~ meanings as in section ~~3770.23~~ 3770.10 of the Revised Code.

(A) A municipal corporation shall require the following persons to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section:

(1) A casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Revised Code, respectively;

(2) A video lottery sales agent conducting video lottery terminals on behalf of the state;

(3) A type B sports gaming proprietor offering sports gaming at a sports gaming facility.

(B) If a person's winnings at a casino facility or sports gaming facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a casino operator or sports gaming proprietor shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the casino facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino operator or sports gaming proprietor shall file a return electronically with the tax administrator of the municipal corporation, providing the name, address, and social security

number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax administrator. With this return, the casino operator or sports gaming proprietor shall remit electronically to the municipal corporation all amounts deducted and withheld during the preceding month.

(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall file an annual return electronically with the tax administrator of the municipal corporation in which the casino facility or sports gaming facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The casino operator or sports gaming proprietor shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(3) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted from the person's winnings during the preceding year. The casino operator or sports gaming proprietor shall provide to the tax administrator a copy of each information return issued under this division.

The administrator may require that such copies be transmitted electronically.

(4) A casino operator or sports gaming proprietor that fails to file a return and remit the amounts deducted and withheld shall be personally liable for the amount withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(5) If a casino operator or sports gaming proprietor sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator or sports gaming proprietor produces either of the following:

(a) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(b) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(6) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings.

(D) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.

(2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax administrator of the municipal corporation providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the tax administrator. With the return, the video lottery sales agent shall remit electronically to the tax administrator all amounts deducted and withheld during the preceding month.

(3) A video lottery sales agent shall maintain a record of all receipts issued under division (E) of this section and shall make those records available to the tax administrator upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(4) Annually, on or before the thirty-first day of January, each video lottery ~~terminal~~ sales agent shall file an annual return electronically with the tax administrator of the municipal corporation in which the facility is located indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(5) Annually, on or before the thirty-first day of January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the tax administrator of the municipal corporation a copy of each information return issued under this division. The tax administrator may require that such copies be transmitted electronically.

(6) A video lottery sales agent who fails to file a return

and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(F) If a video lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor of the video lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount from the purchase money that is sufficient to cover the amounts deducted and withheld and any penalties and interest thereon until the predecessor video lottery sales agent operator produces either of the following:

(1) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(2) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(G) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve that person from liability for the municipal income tax with respect to that prize award.

(H) If a casino operator, sports gaming proprietor, or video lottery sales agent files a return late, fails to file a return, remits amounts deducted and withheld late, or fails to

remit amounts deducted and withheld as required under this section, the tax administrator of a municipal corporation may impose the following applicable penalty:

(1) For the late remittance of, or failure to remit, tax deducted and withheld under this section, a penalty equal to fifty per cent of the tax deducted and withheld;

(2) For the failure to file, or the late filing of, a monthly or annual return, a penalty of five hundred dollars for each return not filed or filed late. Interest shall accrue on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code.

(I) Amounts deducted and withheld on behalf of a municipal corporation shall be allowed as a credit against payment of the tax imposed by the municipal corporation and shall be treated as taxes paid for purposes of section 718.08 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(J) The tax administrator shall prescribe the forms of the receipts and returns required under this section.

Sec. 718.85. (A)(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 718.88 of the Revised Code, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.

(2) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If

the amount payable with the tax return is ten dollars or less, no remittance is required.

(B) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives pursuant to sections 718.80 to 718.95 of the Revised Code. The treasurer shall credit such amounts to the municipal net profit tax fund which is hereby created in the state treasury.

(C)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 718.80 to 718.95 of the Revised Code, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any

information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a ~~six-month~~ seven-month extension of the date for filing the taxpayer's tax return. If the commissioner receives the request on or before the date the tax return is due, the commissioner shall grant the taxpayer's extension request.

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with section 718.04 of the Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(3) If a taxpayer receives an extension for the filing of a tax return under division (D)(1) or (2) of this section, the commissioner shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the

taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

Division (D)(3) of this section does not apply to an extension received under division (D)(1) of this section if the commissioner has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (D)(1)(a) of this section or failed to file for an extension under division (D)(1)(b) of this section.

(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature.

Sec. 718.88. (A) As used in this section:

(1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

(B)(1) Except as provided in division (B)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.

(2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state.

(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;

(d) On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the combined tax liability for the taxable year.

(2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes.

(3)(a) Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(b) Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the

payment in the same manner as in division (B) of section 718.85 of the Revised Code.

(D)(1) In the case of any underpayment of estimated taxes, ~~there shall be added~~ the tax commissioner may add to the taxes an amount determined at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the

payment presently due.

(3) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in accordance with section 718.83 of the Revised Code.

(E) An underpayment of any portion of a combined tax liability shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the combined tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a municipal income tax return for that year.

Sec. 718.89. (A) In addition to any other penalty imposed by sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under sections 718.80 to 718.95 of the Revised Code fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five

dollars, except that the commissioner shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(2) If a person required to file a tax return electronically under sections 718.80 to 718.95 of the Revised Code fails to do so, the commissioner may impose a penalty not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

(3) If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

(4) If a taxpayer files what purports to be a tax return required by sections 718.80 to 718.95 of the Revised Code that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 718.80 to 718.95 of the Revised Code, a penalty of up to five hundred dollars may be imposed.

(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 718.80 to 718.95 of the Revised

Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. ~~All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.~~

(D) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code.

Sec. 718.90. (A) If any taxpayer required to file a return under section 718.80 to 718.95 of the Revised Code fails to file

the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 718.91 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by sections 718.80 to 718.95 of the Revised Code, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by

the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from

the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D)(1) Except as provided in division (D)(2) of this section, all money collected under this section shall be credited to the municipal net profit tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(2) The attorney general may assess collection costs as authorized under section 109.08, 109.081, or 131.02 of the Revised Code on amounts collected under this section, which shall be credited to the attorney general claims fund created under section 109.081 of the Revised Code.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid

balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 718.91 of the Revised Code, with interest on that amount as provided by that section.

Sec. 731.14. All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. Except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or required to be purchased from a qualified nonprofit agency under ~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code, when any expenditure, other than the compensation of persons employed in the village,

exceeds the amount specified in section 9.17 of the Revised Code, such contracts shall be in writing and made with the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the village. The legislative authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the legislative authority's internet web site. If the legislative authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the village, provided that the first notice published in such newspaper meets all of the following requirements:

(A) It is published at least two weeks before the opening of bids.

(B) It includes a statement that the notice is posted on the legislative authority's internet web site.

(C) It includes the internet address of the legislative authority's internet web site.

(D) It includes instructions describing how the notice may be accessed on the legislative authority's internet web site.

The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested

specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 731.141. In those villages that have established the position of village administrator, as provided by section 735.271 of the Revised Code, the village administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than the amount specified in section 9.17 of the Revised Code. When an expenditure, other than the compensation of persons employed by the village, exceeds the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance of the legislative authority of the village. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or required to be purchased from a qualified nonprofit agency under ~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code, the village administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the village or as provided in section 7.16 of the Revised Code. The bids shall be opened and shall be publicly

read by the village administrator or a person designated by the village administrator at the time, date, and place as specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the village administrator, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the village and signed on its behalf by the village administrator and the clerk. No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

The legislative authority of a village may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the village, under the direction of the village administrator, who shall make contracts, purchase supplies or materials, and provide labor for any work of the village in the manner provided by this section.

Sec. 733.40. Except as otherwise provided in section 4511.193 of the Revised Code, all fines, forfeitures, and costs in ordinance cases and all fees that are collected by the mayor, that in any manner come into the mayor's hands, or that are due the mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses that have been advanced out of the treasury of the municipal corporation, and all money received by the mayor for the use of the municipal corporation shall be paid by the mayor into the treasury of the municipal corporation on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor shall submit a full statement of all money received,

from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by section 307.515 or 4511.19 of the Revised Code, all fines, and forfeitures collected by the mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the mayor to the county treasury on the first business day of each month. Except as otherwise provided by section 307.515 or 4511.19 of the Revised Code, the mayor shall pay all court costs and fees collected by the mayor in state cases into the municipal treasury on the first business day of each month.

This section does not apply to fines collected by a mayor's court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

Sec. 901.43. (A) As used in this section, "certificate of free sale" means a document issued by the director of agriculture that certifies to states and countries receiving the listed product that the product being exported is freely marketed without restriction in the United States.

(B) The director ~~of agriculture~~ may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

~~(B)~~ (C) The director may charge a reasonable fee for the

performance of a laboratory service, except when the service is performed on an official sample taken by the director acting pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

The director shall publish a list of laboratory services offered, together with the fee for each service.

~~(C)~~ (D) The director may enter into a contract with any person, organization, political subdivision, state agency, federal agency, or other entity for the provision of a laboratory service.

~~(D)(1)~~ (E)(1) The director may adopt rules establishing standards for accreditation of laboratories and laboratory services and in doing so may adopt by reference existing or recognized standards or practices.

(2) The director may inspect and accredit laboratories and laboratory services, and may charge a reasonable fee for the inspections and accreditation.

~~(E)(1)~~ (F)(1) There is hereby created in the state treasury the animal and consumer protection laboratory fund. Moneys from the following sources shall be deposited into the state treasury to the credit of the fund: all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of animals, all moneys so collected that are from fees generated

for the inspection and accreditation of laboratories and laboratory services related to the diseases of animals, all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the consumer protection laboratory, all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services not related to weights and measures, money received by the director under sections 947.01 to 947.06 of the Revised Code, and all moneys collected under ~~Chapters 943. and~~ Chapter 953. of the Revised Code that are not credited to the animal and consumer protection fund created in section 943.26 of the Revised Code. The director may use the moneys held in the fund to pay the expenses necessary to operate the animal industry laboratory and the consumer protection laboratory, including the purchase of supplies and equipment.

(2) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the weights and measures laboratory, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to weights and measures, shall be deposited in the state treasury to the credit of the weights and measures laboratory fund, which is hereby created in the state treasury. The moneys held in the fund may be used to pay the expenses necessary to operate the division of weights and measures, including the purchase of supplies and equipment.

(G)(1) The director may authorize any department of agriculture division or program to issue a certificate of free sale to any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director may charge a reasonable fee for issuance

of a certificate of free sale. The director shall adopt and enforce rules in accordance with Chapter 119. of the Revised Code to provide for the issuance of the certificates of free sale.

(2) All money collected by the director under this section that is from fees related to the issuance of certificates of free sale shall be credited to the appropriate program fund administered by the department.

Sec. 904.02. (A) There is hereby created the Ohio livestock care standards board consisting of the following members:

(1) The director of agriculture, who shall be the chairperson of the board;

(2) Ten members appointed by the governor with the advice and consent of the senate. The ten members shall be residents of this state and shall include the following:

(a) One member representing family farms;

(b) One member who is knowledgeable about food safety in this state;

(c) Two members representing statewide organizations that represent farmers;

(d) One member who is a veterinarian licensed under Chapter 4741. of the Revised Code;

(e) The state veterinarian in the department of agriculture;

(f) The dean of the agriculture department of a college or university located in this state;

(g) Two members of the public representing consumers in this state;

(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code.

(3) One member appointed by the speaker of the house of representatives who shall be a family farmer;

(4) One member appointed by the president of the senate who shall be a family farmer.

Not more than seven members appointed to the board at any given time shall be of the same political party.

(B)(1) The governor, the speaker of the house of representatives, and the president of the senate shall make appointments to the board not later than forty-five days after ~~the effective date of this section~~ March 31, 2010.

(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 25, 2011:

(a) The member representing family farmers;

(b) The dean of the agriculture department of a college or university located in this state;

(c) The member who is a veterinarian licensed under Chapter 4741. of the Revised Code;

(d) One of the members of the public representing consumers in this state.

(3) The following initial members of the board shall be appointed for a term ending January 15, 2012:

(a) The member appointed by the speaker of the house of

representatives who is a family farmer;

(b) One of the members representing a statewide organization that represents farmers;

(c) The member representing a county humane society organized under Chapter 1717. of the Revised Code;

(d) The member who is knowledgeable about food safety in this state.

(4) The following initial members of the board shall be appointed for a term ending January 15, 2013:

(a) The member appointed by the president of the senate who is a family farmer;

(b) One of the members of the public representing consumers in this state;

(c) One of the members representing a statewide organization that represents farmers.

(C) After the initial terms served in accordance with division (B) of this section, terms of office shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. However, the terms for the director of agriculture and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian, as applicable. If the director or the state veterinarian resigns or that person's employment is terminated, the director or state veterinarian, as applicable, shall cease to serve on the board, and the successor of the director or state veterinarian shall then serve on the board in accordance with this section. Every other member shall hold office from the date of the member's appointment until the

end of the term for which the member was appointed.

Vacancies on the board shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of one hundred eighty days has elapsed, whichever occurs first. A member may be reappointed upon the expiration of the member's term.

(D) The board shall hold at least three regular meetings each year and may hold additional meetings at times that the chairperson or a majority of the board members considers appropriate. At the three regular meetings held by the board each year, the board shall conduct a review of the rules governing the care and well-being of livestock that have been or are proposed to be adopted under section 904.03 of the Revised Code.

At the first meeting of the board in each calendar year, the director shall designate one member of the board to serve as its vice-chairperson. A majority of the board constitutes a quorum. The board may act only if a quorum is present and only by majority vote of that quorum. A vacancy on the board does not impair the right of the other members to exercise all of the board's powers.

(E) Serving as an appointed member of the board does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or

positions of employment.

(F) Appointed members of the board shall receive no compensation for their services. Members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members. The expenses shall be paid from the ~~Ohio livestock care standards~~ animal and consumer protection fund created in section ~~904.06~~ 943.26 of the Revised Code. The expenses shall be paid in accordance with the rules and requirements adopted by the department of administrative services that are applicable to state employees.

(G) The board may create committees that it considers appropriate to make recommendations to the board. Committees may include non-board members.

Sec. 904.04. (A) In order to assist the Ohio livestock care standards board in the administration and enforcement of this chapter, the director of agriculture shall do all of the following:

(1) Hire all employees of the board, including an executive director. Employees of the board shall be in the unclassified civil service, serve at the pleasure of the director of agriculture, and be compensated with money from the ~~Ohio livestock care standards~~ animal and consumer protection fund created in section ~~904.06~~ 943.26 of the Revised Code.

(2) Enter into contracts on behalf of the board;

(3) Do all of the following with regard to rules governing the care and well-being of livestock adopted by the board under section 904.03 of the Revised Code:

(a) Process and submit the rules to the joint committee on agency rule review pursuant to Chapter 119. of the Revised Code;

(b) Contract for surveys and analyses;

(c) Perform any other activities that assist the board in adopting the rules.

(4) Publish and distribute information related to livestock care, including educational materials, to livestock producers and members of the public;

(5) Investigate complaints regarding violations of the rules adopted under section 904.03 of the Revised Code in accordance with the authority granted by this chapter, sections 901.25 to 901.29 of the Revised Code, and rules adopted under this chapter and section 901.03 of the Revised Code;

(6) Enforce the rules adopted under section 904.03 of the Revised Code and levy the civil penalties established by those rules. The director may apply to a court of competent jurisdiction for a temporary or permanent injunction or other appropriate relief for violations of this chapter and rules adopted under it. For purposes of this division, the court of competent jurisdiction shall be either the court of common pleas of Licking county or the court of common pleas of the county where the violation is occurring. Money collected from civil penalties levied under division (A)(6) of this section shall be deposited in the state treasury to the credit of the general revenue fund.

(7) Perform any other duties necessary to assist the board in the administration and enforcement of this chapter.

(B) With the consent of the premises owner and, if the premises owner is different from the livestock owner, the livestock owner, the director or the director's authorized representative may enter at all reasonable times on any premises

for the purpose of determining compliance with the rules adopted under section 904.03 of the Revised Code. If the director or the director's authorized representative is denied access to the premises and the director or the director's authorized representative suspects that those rules are not being complied with, the director may apply for a search warrant authorizing access from a court of competent jurisdiction. The court shall issue the search warrant if there is probable cause. Probable cause may be based on hearsay, provided that there is substantial basis for believing the source is credible and there is factual basis for the information.

Upon entry on premises in accordance with this division, the director or the director's authorized representative shall observe biosecurity measures in order to prevent spreading disease and infecting livestock.

Sec. 905.32. (A) No person shall manufacture or distribute in this state any type of fertilizer until a license to manufacture or distribute has been obtained by the manufacturer or distributor from the department of agriculture upon payment of a ~~five-dollar~~ fifty-dollar fee:

(1) For each fixed (permanent) location at which fertilizer is manufactured in this state;

(2) For each mobile unit used to manufacture fertilizer in this state;

(3) For each location out of the state from which fertilizer is distributed into this state;

(4) For each location in this state from which fertilizer is distributed in this state.

All licenses shall be valid for one year beginning on the

first day of December of a calendar year through the thirtieth day of November of the following calendar year. A renewal application for a license shall be submitted no later than the thirtieth day of November each year. A person who submits a renewal application for a license after the thirtieth day of November shall include with the application a late filing fee of ~~ten~~ twenty-five dollars.

(B) An application for a license shall include:

(1) The name and address of the licensee;

(2) The name and address of each bulk distribution point in the state, not licensed for fertilizer manufacture and distribution.

The name and address shown on the license shall be shown on all labels, pertinent invoices, and bulk storage for fertilizers distributed by the licensee in this state.

(C) The licensee shall inform the director of agriculture in writing of additional distribution points established during the period of the license.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 905.57. ~~(A) All information furnished to or procured by the director of agriculture under section 905.56 of the Revised Code is for the exclusive use and information of the director in the discharge of his official duties and is not open to the public nor to be used in any court in any action or proceeding therein unless the director is a party to such action or proceeding, but such information may be consolidated in statistical tables and published by the director in statistical~~

~~form, without disclosing details of information furnished by any particular person.~~

~~(B)~~ No person shall willfully divulge any information secured while in the employ of the department of agriculture, with respect to the transactions, property, files, records, or papers of the department, or with respect to the business of any manufacturer, seller, or distributor of agricultural liming material to any person other than the director or the superior of such employee, or when called upon to testify in an action or proceeding to which the director is a party.

Sec. 907.13. No person shall label agricultural, vegetable, or flower seed that is intended for sale in this state unless the person holds a valid seed labeler permit that has been issued by the director of agriculture in accordance with this section.

A person who wishes to obtain a seed labeler permit shall file an application with the director on a form that the director provides and shall submit a permit fee in the amount of ~~ten~~ fifty dollars. Such a person who labels seed under more than one name or at more than one address shall obtain a separate seed labeler permit and pay a separate permit fee for each name and address.

The applicant shall include the applicant's full name and address on the application together with any additional information that the director requires by rules adopted under section 907.10 of the Revised Code. If the applicant's address is not within this state or it does not represent a location in this state where the director can collect samples of the applicant's seed for analysis, then the applicant shall include on the application an address within this state where samples of

the applicant's seed may be collected for those purposes or shall agree to provide the director or the director's authorized representative with seeds for sampling upon request.

Upon receipt of a complete application accompanied by the ~~ten-dollar~~ fifty-dollar permit fee, the director shall issue a seed labeler's permit to the applicant. All seed labeler permits that are issued under this section shall expire on the thirty-first day of ~~December~~ January of each year regardless of the date on which a permit was issued during ~~that year~~the previous one-year period.

Each person who obtains a seed labeler permit shall label the seed that the person intends for sale in this state in accordance with the requirements established in sections 907.01 to 907.17 of the Revised Code. Each person who holds a valid seed labeler permit shall keep the permit posted in a conspicuous place in the principal seed room from which the person sells seed and shall comply with the reporting and fee requirements that are established in section 907.14 of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 907.14. (A) A person who holds a valid seed labeler permit issued under section 907.13 of the Revised Code shall report to the director of agriculture concerning the amount of seed that the person sells in this state. The report shall be made ~~semiannually~~ annually on a form that the director prescribes and provides. ~~One semiannual~~ The report shall be filed with the director prior to the first day of February of each year with respect to all sales that the person made during

the period from the first day of ~~July~~ January to the thirty-first day of December of the ~~preceding~~ previous year. ~~The second semiannual report shall be filed prior to the first day of August of each year with respect to all sales that the person made during the period from the first day of January to the thirtieth day of June of that year.~~

(B) A person who holds a valid seed labeler permit shall include with each ~~semiannual~~ annual report a seed fee based on the amount of the seed that the person sold during that reporting period as follows:

(1) For soybeans and small grains, including barley, oats, rye, wheat, triticale, and spelt, four cents per one hundred pounds;

(2) For corn and grain sorghum, five cents per one hundred pounds;

(3)(a) For any of the following seed sold at wholesale or retail or on consignment or commission, two per cent of the wholesale value of the containers of seed or, if the seed is not sold wholesale, two per cent of the retail value of the containers of seed:

(i) Vegetable and flower seed sold in containers, other than hermetically sealed containers, of eight ounces or less;

(ii) Flower seed sold in hermetically sealed containers that contain fewer than three hundred seeds;

(iii) Vegetable seed sold in hermetically sealed containers that contain fewer than one thousand seeds.

(b) The fees established pursuant to divisions (B)(3)(a)(ii) and (iii) of this section apply to both of the following:

(i) Seed sold in hermetically sealed containers that contain the amount of seeds specified in division (B)(3)(a)(ii) or (iii) of this section, as applicable;

(ii) Seed sold in hermetically sealed containers that do not clearly state the number of seeds that they contain.

(c) Except as otherwise provided in division (B)(3)(b)(ii) of this section, if the weight of seed in a container, or the quantity of seed in a container, exceeds the applicable weight or quantity specified in division (B)(3)(a)(i), (ii), or (iii) of this section, the fee established in division (B)(4) of this section applies.

(4) For alfalfa, clover, grass, native grass, mixtures containing any of these, and all agricultural, vegetable, and flower seeds not specified in divisions (B)(1) to (3) of this section, ten cents per one hundred pounds.

If the total amount of the seed fee that is due is less than ~~five~~ fifty dollars, the person shall pay ~~the minimum seed~~ no fee~~, which is five dollars~~.

(C) For each failure to report in full the amount of seed sold or to submit the required seed fees in full by the due date, a person who holds a valid seed labeler permit shall pay a penalty of ten per cent of the amount due or fifty dollars, whichever is greater. Failure to pay either the fee or the penalty within thirty days after the due date is cause for suspension or revocation by the director of the seed labeler permit or refusal, without a hearing, to issue a subsequent seed labeler permit for which the person applies.

(D) This section does not apply to governmental entities that donate seed for conservation purposes.

(E) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 909.01. As used in sections 909.01 to 909.18 of the Revised Code:

(A) "Person" includes corporations, companies, societies, associations, partnerships, any individual or combination of individuals, or any institution, park, or other public agency administered by the state or by any district, county, municipal corporation, or other governmental subdivision thereof. When construing or enforcing such sections, the act, omission, or failure of any officer, agent, servant, or other individual acting for or employed by any person as above defined within the scope of ~~his~~ the person's employment or office is deemed to be the act, omission, or failure of such person, as well as that of the officer, agent, servant, or other employee.

(B) "Bees" means any stage of any species of the genus Apis.

(C) "Bee diseases" means any infectious or contagious disease that is pathogenic or parasitic and affects the eggs, or the larval, pupal, or adult stages, of bees.

(D) "Apiary" means any place where one or more colonies or nuclei of bees are kept.

(E) "Queen rearing apiaries" means any apiary in which ~~queen bees~~queens are ~~reared~~ raised or purchased for sale, trade, or gift; or otherwise distributed or used to create, for sale, trade or gift, nucs, packages, or colonies.

(F) "Hive" means any modern frame hive, box hive, box, barrel, log gum, skep, or any other natural or artificial

receptacle, or any part thereof, that may be used as a domicile for bees.

(G) "Equipment" means any used hives or parts thereof, used frames, used honey houses, used tools, used machines, or used devices employed in the handling or manipulation of bees, honey, or beeswax, or any used container for honey or beeswax that may be used in any apiary.

(H) "Serious bee diseases" means any bee disease the director of agriculture determines to be a threat to the beekeeping industry within the state.

(I) "Africanized honey bees" means any bees identified by the United States department of agriculture by approved identification methods to be classified as Apis mellifera scutellata.

(J) "Swarm" means a population of bees that is not permanently established.

(K) "Colony" means the hive and its equipment, including bees, combs, and brood.

(L) "Compliance agreement" means a written agreement between the department of agriculture and any person engaged in queen rearing in which the person agrees to comply with stipulated requirements.

(M) "Nuc" means a small colony of bees in a hive box to which all of the following applies:

(1) The hive box contains three to five frames.

(2) The hive box contains a laying queen bee and the queen's progeny in egg, larval, pupa, and adult stages.

(3) The small colony has honey and a viable population sufficient enough to develop into a full-sized colony.

Sec. 909.02. Any person owning or possessing bees shall on or before the first day of June of each year, or thereafter within ~~ten~~ thirty days after coming into ownership or possession of bees, or upon moving bees into this state from outside the state, file with the director of agriculture an application for registration setting forth the exact location of ~~his~~ the person's apiaries and ~~the number of colonies of bees in each apiary, together with~~ such other information as is required by the director~~, and accompanied by a registration fee of five dollars for each separate apiary owned or possessed by him at time of registration. Any person who submits his application after the dates specified by this section, or after the dates specified in rules adopted by the director, shall be subject to a ten-dollar late filing fee in addition to the five-dollar registration fee. Upon acceptance of the application, the director shall issue to such person a certificate of registration~~. All ~~certificates~~ registrations issued in accordance with this section expire on the following thirty-first day of May ~~next following date of issuance or renewal,~~ and shall be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

No person shall maintain an apiary ~~located on premises other than that of his residence~~ unless ~~such~~ the apiary is registered under this section and identifiable by ~~an apiary~~ name or identification number assigned to such person by the director. Such identification number shall be posted in a conspicuous location in the apiary. The moving, raising, and production of bees, beeswax, honey, and honey products shall be deemed an agricultural pursuit.

Sec. 909.07. The board of county commissioners may ~~appropriate such funds as it deems sufficient for the inspection of apiaries in its county. It may appoint~~ appoint, with the consent and concurrence of the director of agriculture, a deputy apiarist ~~with the consent and concurrence of the director of agriculture, said deputy to serve during the pleasure of said board except as specified in this section~~. ~~Such~~ Except as otherwise specified in this section, a deputy serves at the pleasure of the applicable board of county commissioners. A deputy apiarist shall be paid ~~such~~ a salary as the board of county commissioners ~~determine for each day, or for each half day of~~ determines for inspection work ~~actually done, together with such~~ and other expenses as are necessarily incurred ~~in the doing of the~~ directly related to inspection work. Before the board approves ~~said~~ the salary and expenses for payment, ~~such~~ the deputy apiarist shall submit the same to the director for ~~his approval~~review. ~~Such~~

A deputy apiarist shall work under the direction of the director and shall be responsible ~~to him~~ for the ~~enforcement of sections 909.01 to 909.18, inclusive, of the Revised Code~~inspection of apiaries in assigned counties prescribed by the department of agriculture and for the administration and enforcement of this chapter. ~~The~~

The director may terminate the appointment of any deputy ~~upon submitting to the board a statement that such deputy has shown himself to be~~ apiarist if there is evidence that the deputy has been unethical, negligent, incompetent, inefficient, or untrustworthy in the discharge of ~~his~~ official duties. ~~Such~~ A deputy apiarist shall furnish to the director ~~such~~ reports as are required ~~and upon blanks furnished~~ by ~~him~~ the director. ~~A duplicate of such reports shall be presented to the board each~~

~~time that a statement of salary and expense is presented for payment.~~

Sec. 909.08. Each person within the state ~~engaged in the rearing of~~ that intends to sell, trade, gift, or otherwise distribute queen bees ~~for sale or gift, before the first day of April of each year~~, packaged bees, nucs, or colonies shall file with the ~~director~~ department of agriculture a request for the ~~inspection of his~~certification of all of the person's queen rearing apiaries ~~where queen bees are reared~~for which certification is requested. Each request shall be accompanied by a certification fee of fifty dollars or an amount specified in rules adopted by the director of agriculture. The director ~~shall~~ may require all queen rearing apiaries to be inspected as specified in rules adopted by the director at least once each year. If the inspection results in the diagnosis of any serious bee disease or pest or indicates the presence of Africanized honey bees, the owner thereof shall not ~~ship, sell, or give away any queen~~ sell, trade, gift, or otherwise distribute any bees until ~~he has~~ the diagnosed problem has been controlled or eradicated ~~the disease or bees~~ to the satisfaction of the director.

When such serious bee diseases or ~~bees~~ pests have been controlled or eradicated in the queen rearing apiary, or if no serious bee disease or pest is diagnosed or Africanized honey bees are found, the director ~~shall~~ may issue ~~a~~ an official certificate~~, signed by the state apiarist, a copy of which~~ . A copy of the certificate shall be ~~attached to each package or shipment of~~included with each queen ~~bees mailed or shipped~~, nuc, or colony provided by the producer. The certificate shall ~~be valid for, but not to exceed, one year~~expire on the thirty-first day of May of the following year and may be renewed annually.

The use of tags or other devices bearing an invalid or altered certificate and the misuse of any valid certificate is prohibited.

Sec. 909.09. No person shall sell, offer for sale, give, ~~offer to give, barter, or offer to barter~~ trade, or otherwise distribute any bees, honeycombs, or used beekeeping equipment ~~without a permit from the director of agriculture~~that contains a serious bee disease or pest. Upon request, the state or a deputy apiarist may issue a transfer permit if, upon inspection, the item is determined to be apparently free from serious bee diseases and pests. The permit, or a copy of it, ~~shall~~ may accompany any such transfer of ownership. The director may refuse to issue the permit until ~~he finds~~ it is found by inspection that any ~~africanized honey bees are eradicated from and any~~ serious bee diseases and pests are controlled or eradicated from the bees, honeycombs, or used beekeeping equipment.

This section does not apply to the transfer of ownership of honeycomb for human consumption.

Sec. 909.13. The director of agriculture, in accordance with sections 119.01 to 119.13~~, inclusive,~~ of the Revised Code, may suspend or revoke any registration, certificate, or permit issued under ~~sections 909.01 to 909.18, inclusive, of the Revised Code~~this chapter, or a compliance agreement entered into under this chapter, for cause, including any violation of ~~such sections~~ this chapter or nonconformity with any rule or order promulgated under ~~such sections in accordance with sections 119.01 to 119.13, inclusive, of the Revised Code~~this chapter. There shall be no revocation of a compliance agreement, registration, certificate, or permit until the compliance

agreement holder, registrant, or certificate or permit holder first is given an opportunity for a hearing by the director in regard thereto in accordance with sections 119.01 to 119.13~~, inclusive,~~ of the Revised Code. An appeal may be taken from the action of the director in revocation of a compliance agreement, registration, certificate, or permit to the court of common pleas as provided in section 119.12 of the Revised Code.

Sec. 911.02. Each person, firm, partnership, or corporation that owns or operates a bakery shall register each bakery that it owns or operates with the director of agriculture. For the registration, the owner or operator of each bakery shall pay an annual fee of ~~thirty dollars for a production capacity of one thousand pounds of bakery product per hour or less and an annual fee of thirty dollars for each one thousand pounds of bakery product per hour capacity, or part thereof, in excess of one thousand pounds of bakery product per hour~~two hundred dollars.

Any person who owns or operates a home bakery with only one oven, in a stove of ordinary home kitchen design and located in a home, used for the baking of baked goods to be sold, shall pay a sum of ten dollars annually for registration regardless of the capacity of the home bakery oven. The registration shall be renewed annually by the thirtieth day of September and shall be renewed according to the standard renewal procedure of Chapter 4745. of the Revised Code. The registration of the bakery shall show the location, including municipal corporation, street, and number, the name of the owner, and the name of the operator. The application for registration shall be made on a form prescribed and provided by the director. All moneys received from registration fees and fines collected under sections 911.01 to 911.20 of the Revised Code shall be deposited with the treasurer

of state to the credit of the food safety fund created in section 915.24 of the Revised Code. All annual renewal registration fees required by this section shall be paid by the applicant for the renewal to the treasurer of state for deposit into the food safety fund.

No bakery product that is manufactured in an out-of-state bakery shall be sold or offered for sale within this state unless the bakery is in compliance with sections 911.01 to 911.20 of the Revised Code, and is registered, having paid the annual registration fee.

Registration of out-of-state bakeries is not required if a reciprocal agreement is in effect whereby a bakery located in this state is not subject to a license or registration fee by the receiving state or a political subdivision thereof.

Sec. 913.23. (A) The director of agriculture may issue licenses as required by sections 913.22 to 913.28 of the Revised Code, may make the inspections and registrations required by those sections, and may prescribe the form of application to be filed under this section.

(B) No person shall manufacture or bottle for sale within this state any soft drink in closed containers unless the person has a license issued by the director. Upon receipt of an application for such a license, the director shall examine the products and the place of manufacture where the business is to be conducted, to determine whether the products and place comply with sections 913.22 to 913.28 of the Revised Code. Upon finding there is compliance, and upon payment of a license fee of two hundred dollars, the director shall issue a license authorizing the applicant to manufacture or bottle for sale such soft drinks, subject to sections 913.22 to 913.28 of the Revised

Code. The license shall expire on the last day of March of each year unless renewed.

(C) No soft drink that is manufactured or bottled out of the state shall be sold or offered for sale within this state unless the soft drink and the plant in which the soft drink is manufactured or bottled are found by the director to comply with sections 913.22 to 913.28 of the Revised Code, and are registered by the director, which shall be upon a like application as provided in division (B) of this section.

An annual registration fee of two hundred dollars shall be paid to the director by each applicant under this division. The registration shall be renewed annually, and the registration fee paid with the application for annual renewal.

Registration of out-of-state soft drink manufacturers or bottlers or syrup and extract manufacturers is not required if a reciprocal agreement is in effect whereby a soft drink manufacturer or bottler or syrup and extract manufacturer located in this state is not subject to a license or registration fee by another state or a political subdivision thereof.

(D) ~~No person, other than a manufacturer or bottler holding a soft drink plant license under this section, shall sell, offer for sale, use, or have in the person's possession with intent to sell, any soda water syrup or extract or soft drink syrup, to be used in making, drawing, or dispensing soda water or other soft drinks, without first registering the person's name and address, the name and address of the manufacturer of the syrup or extract, the number and variety of such syrups or extracts intended to be sold, and the trade name or brand of those products, with the director, together with~~

~~such samples of the syrups or extracts as the director requests for analysis. The person also shall pay to the department of agriculture at the time of making registration a license fee of one hundred dollars. No license shall be granted by the director unless the director determines that the syrup or extract is free from all harmful drugs and other ingredients that, as used, may be injurious to health. The registration shall be renewed annually upon like terms. If any manufacturer, bottler, agent, or seller is licensed or has registered the manufacturer's, bottler's, agent's, or seller's name and product as required by this section and has paid the manufacturer's, bottler's, agent's, or seller's fee, the manufacturer's, bottler's, agent's, or seller's distributor, retail agent, or retail seller using the products shall not be required to pay that fee. This section does not apply to local sellers of soft drinks as to syrups and extracts made by themselves for their own use exclusively.~~

~~(E)~~ All moneys received under sections 913.22 to 913.28 of the Revised Code shall be deposited with the treasurer of state to the credit of the food safety fund created in section 915.24 of the Revised Code.

~~(F)~~ (E) The director may revoke any license or registration issued under sections 913.22 to 913.28 of the Revised Code, whenever the director determines that those sections have been violated. When a license has been revoked, the licensee shall discontinue the manufacture and sale of soft drinks or other products for which the license was issued. When a registration has been revoked, the registrant shall discontinue the sale within this state of the registrant's products until those sections have been complied with and a new license or registration has been issued. The director may suspend any such

license or registration temporarily, pending compliance with such conditions required by those sections as the director prescribes.

Sec. 915.16. The license fee for an establishment is ~~fifty~~ two hundred dollars. Any operator operating in connection with a cold-storage warehouse holding a license under section 915.02 of the Revised Code is not required to secure an additional license under section 915.15 of the Revised Code so long as the operator continues to be licensed as a cold-storage warehouse; but the operator shall comply with sections 915.14 to 915.24 of the Revised Code, and all rules and regulations promulgated thereunder. The license issued shall be in such form as the department of agriculture prescribes. Licenses shall be valid until the last day of November following initial issuance or renewal and shall become invalid on that date unless renewed. The original license or a certified copy thereof shall be conspicuously displayed by the operator in the establishment.

Sec. 915.24. (A) There is hereby created in the state treasury the food safety fund. All of the following moneys shall be credited to the fund:

(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code;

(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code;

(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;

(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;

(5) License fees collected under sections 915.14 to 915.23

of the Revised Code;

(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;

(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale;

(8) Registration fees and other fees collected by the director of agriculture under section 3715.041 of the Revised Code;

(9) Money received from contracts or cooperative agreements with any agency of the United States government, or any other public or private agency or organization, for either of the following:

(a) The performance of the prescribed duties of the department of agriculture under this chapter and Chapters 911., 913., 925., 3715., and 3717. of the Revised Code;

(b) Accomplishing cooperative projects within the scope of such duties.

(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.

Sec. 921.01. As used in this chapter:

(A) "Active ingredient" means any ingredient that will prevent, destroy, kill, repel, control, or mitigate any pest, or that will act as a plant regulator, defoliant, or desiccant.

(B) "Adulterated" shall apply to any pesticide if its strength or purity is less than or greater than the professed

standard or quality as expressed on its labeling or under which it is sold, if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

(C) "Agricultural commodity" means any plant or part thereof or animal or animal product, produced for commercial use by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons, primarily for the sale, consumption, propagation, or other use, by humans or animals.

(D) "Aircraft" means any device used or designed for navigation or flight in the air, except a parachute or other device used primarily as safety equipment.

(E) "Animal" means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish, and shellfish.

(F) "Authorized diagnostic inspection" means a diagnostic inspection conducted by a commercial applicator in the pesticide-use category in which the commercial applicator is licensed under this chapter.

(G) "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

(H) "Brand" means any word, name, symbol, device, or combination thereof, that serves to distinguish the pesticide manufactured or distributed by one person from that manufactured or distributed by any other person.

(I) "Pesticide applicator" means a commercial applicator

or a private applicator.

(J) "Private applicator" means an individual who is licensed under section 921.11 of the Revised Code.

(K) "Commercial applicator" means an individual who is licensed under section 921.06 of the Revised Code to apply pesticides or to conduct authorized diagnostic inspections.

(L) "Competent" means properly qualified as evidenced by passing the general examination and each applicable pesticide-use category examination for the pesticide-use categories in which a person applies pesticides and, in the case of a person who is a commercial applicator, conducts diagnostic inspections and by meeting any other criteria established by rule.

(M) "Federal act" means the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 136, as amended.

(N) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(O) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

(P) "Device" means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than human beings and other than bacteria, virus, or other microorganism on or in living human beings or other living animals. "Device" does not include equipment used for the application of pesticides when sold separately therefrom.

(Q) "Direct supervision" means ~~either of the following, as applicable:~~

~~(1) Unless~~ , unless otherwise prescribed by its labeling, a general use pesticide is considered to be applied under the direct supervision of a commercial applicator, if it is applied by a trained serviceperson acting under the instructions and control of a commercial applicator.

~~(2) Unless otherwise prescribed by its labeling, a restricted use pesticide is considered to be applied under the direct supervision of a private applicator, if it is applied by an immediate family member or a subordinate employee of that private applicator acting under the instructions and control of the private applicator, who is responsible for the actions of that immediate family member or subordinate employee and who is available when needed, even though the private applicator is not physically present at the time and place the restricted use pesticide application is occurring.~~

(R) "Directly supervise" means providing direct supervision under division ~~(Q)(1) or (2) or both of those divisions~~ (Q) of this section~~, as applicable~~.

(S) "Distribute" means to offer or hold for sale, sell, barter, ship, deliver for shipment, or receive and, having so received, to deliver or offer to deliver, pesticides in this state. "Distribute" does not mean to hold for use, apply, or use pesticides or dilutions of pesticides, except when a pesticide dealer holds for use, applies, or uses pesticides or dilutions of pesticides in the course of business with a commercial applicator who is employed by that pesticide dealer.

(T) "Environment" includes water, air, land, and all

plants and human beings and other animals living therein, and the interrelationships that exist among them.

(U) "Fungus" means any nonchlorophyll-bearing thallophyte, which is any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living human beings or other animals, or processed food, beverages, or pharmaceuticals.

(V) "General use pesticide" means a pesticide that is classified for general use under the federal act.

(W) "Ground equipment" means any device, other than aircraft, used on land or water to apply pesticides in any form.

(X) ~~"Immediate family" means a person's spouse residing in the person's household, brothers and sisters of the whole or of the half blood, children, including adopted children, parents, and grandparents.~~

~~(Y)~~ "Incidental use" or "incidentally use" means the application of a general use pesticide on an occasional, isolated, site-specific basis in order to avoid immediate personal harm. "Incidental use" or "incidentally use" does not mean regular, routine, or maintenance application of a general use pesticide.

~~(Z)~~ (Y) "Inert ingredient" means an ingredient that is not active.

~~(AA)~~ (Z) "Ingredient statement" means a statement of the name and percentage of each active ingredient, together with the total percentage of inert ingredients. When the pesticide contains arsenic in any form, the ingredient statement shall include percentages of total and water soluble arsenic, each

calculated as elemental arsenic.

~~(BB)~~ (AA) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, including, but not limited to, beetles, bugs, bees, and flies, and to other allied classes of arthropods, including, but not limited to, spiders, mites, ticks, centipedes, and wood lice.

~~(CC)~~ (BB) "Integrated pest management" means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

~~(DD)~~ (CC) "Label" means the written, printed, or graphic matter on, or attached to the pesticide or device, or any of its containers or wrappers.

~~(EE)~~ (DD) "Labeling" means all labels and other written, printed, or graphic matter:

(1) Accompanying the pesticide product or device at any time;

(2) To which reference is made on the label or in literature accompanying the pesticide product or device, except when accurate, nonmisleading reference is made to current official publications of the United States environmental protection agency, the United States department of agriculture or interior, the United States department of health and human services, state experiment stations, state agricultural colleges, or other similar federal or state institutions or official agencies, authorized by law to conduct research in the field of pesticides;

(3) Including all brochures, technical and sales bulletins, and all advertising material.

~~(FF)~~(EE) "Licensure" includes certification as used in the federal act.

~~(GG)~~(FF) "Misbranded" applies, if the conditions of either division ~~(GG)(1)~~(FF)(1) or (2) of this section are satisfied as follows:

(1) To any pesticide or device, if at least one of the following occurs:

(a) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients that is false or misleading in any particular.

(b) It is an imitation of or is distributed under the name of another pesticide or device.

(c) Any word, statement, or other information required to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(2) To any pesticide, if at least one of the following occurs:

(a) The labeling of a restricted use pesticide does not contain a statement that it is a restricted use pesticide.

(b) The labeling accompanying it does not contain directions for use that are necessary for effecting the purpose for which the pesticide is intended and, if complied with,

together with any requirements imposed by the federal act, that are adequate to protect the environment.

(c) The label does not bear all of the following:

(i) The name, brand, or trademark under which the pesticide is distributed;

(ii) An ingredient statement on the part of the immediate container and on the outside container and wrapper of the retail package, if any, through which the ingredient statement on the immediate container cannot be clearly read, which is presented or displayed under customary conditions of purchase, provided that the ingredient statement may appear prominently on another part of the container as permitted by the amended federal act or by the director;

(iii) A warning or caution statement that may be necessary and that, if complied with together with any requirement imposed under the federal act, would be adequate to protect the environment;

(iv) The net weight or measure of the contents, subject to such reasonable variations as the administrator of the United States environmental protection agency or the director of agriculture may permit;

(v) The name and address of the manufacturer, registrant, or person for whom manufactured;

(vi) The United States environmental protection agency registration number assigned to each establishment in which the pesticide was produced and the agency registration number assigned to it, as required by regulations under the federal act.

(d) The pesticide contains any substance or substances in quantities highly toxic to human beings unless the label bears, in addition to other label requirements, all of the following:

(i) The skull and crossbones;

(ii) The word "poison" in red prominently displayed on a background of distinctly contrasting color;

(iii) A statement of an antidote or a practical or emergency medical treatment, first aid or otherwise, in case of poisoning by the pesticide.

(e) It is contained in a package or other container or wrapping that does not conform to the standard established by the administrator of the United States environmental protection agency.

~~(HH)~~ (GG) "Nematodes" means invertebrate animals of the phylum nemathelminthes and class nematoda, which are unsegmented, round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and that inhabit soil, water, plants, or plant parts and also may be called nema or eel-worms.

~~(II)~~ (HH) "Pest" means a harmful, destructive, or nuisance insect, fungus, rodent, nematode, bacterium, bird, snail, weed, or parasitic plant or a harmful or destructive form of plant or animal life or virus, or any plant or animal species that the director declares to be a pest, except viruses, bacteria, or other microorganisms on or in living animals, including human beings.

~~(JJ)~~ (II) "Pesticide" means any substance or mixture of substances intended for either of the following:

(1) Preventing, destroying, repelling, or mitigating any

pest;

(2) Use as a plant regulator, defoliant, or desiccant.

"Pesticide" includes a pest monitoring system designated by rule.

~~(KK)~~ (JJ) "Pesticide dealer" means any person who distributes restricted use pesticides or pesticides whose uses or distribution are further restricted by the director to the ultimate user or to a commercial applicator who is employed by that pesticide dealer.

~~(LL)~~ (KK) "Pesticide business" means a person who performs pesticide business activities.

~~(MM)~~ (LL) "Pesticide business activities" means any of the following:

(1) The application of pesticides to the property of another for hire;

(2) The solicitation to apply pesticides;

(3) The conducting of authorized diagnostic inspections.

~~(NN) "Pesticide business registered location" means a location at which pesticide business activities are conducted and that is registered through the issuance of a license to a pesticide business under section 921.09 of the Revised Code.~~

~~(OO)~~ (MM) "Pesticide-use category" means a specialized field of pesticide application or of diagnostic inspection as defined by rule.

~~(PP)~~ (NN) "Plant regulator" means any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the growth or rate of maturation, or

for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~(QQ)~~ (OO) "Product name" means a coined or specific designation applied to an individual pesticide of a fixed combination and derivation.

~~(RR)~~ (PP) "Registrant" means a person who has registered a pesticide under this chapter.

~~(SS)~~ (QQ) "Restricted use pesticide" means any pesticide or pesticide use classified by the administrator of the United States environmental protection agency for use only by a pesticide applicator~~ or by an individual working under the direct supervision of a pesticide applicator~~.

~~(TT)~~ (RR) "Rule" means a rule adopted under section 921.16 of the Revised Code.

~~(UU)~~ (SS) "Sell or sale" means exchange of ownership or transfer of custody.

~~(VV)~~ (TT) "State restricted use pesticide" means any pesticide or pesticides classified by the director subsequent to a hearing held in accordance with Chapter 119. of the Revised Code for use only by pesticide applicators~~ or individuals working under their direct supervision~~.

~~(WW)~~ (UU) "Unreasonable adverse effects on the environment" means any unreasonable risk to human beings or the environment taking into account the economic, social, and environmental benefits and costs of the use of any pesticide.

~~(XX)~~ (VV) "Trained serviceperson" means an employee of a

pesticide business, other business, agency of the United States government, state agency, or political subdivision who has been trained to apply general use pesticides while under the direct supervision of a commercial applicator.

~~(YY)~~ (WW) "Weed" means any plant that grows where not wanted.

~~(ZZ)~~ (XX) "Wildlife" means all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, birds, and aquatic life.

~~(AAA)~~ (YY) "Trade secret" and "confidential business information" mean any formula, plan, pattern, process, tool, mechanism, compound, procedure, production date, or compilation of information that is not patented, that is known only to certain individuals within a commercial concern, and that gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Sec. 921.02. (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the director of agriculture under this chapter. Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the Revised Code or an experimental use permit issued by the United States environmental protection agency.

(B) The applicant for registration of a pesticide shall file a statement with the director on a form provided by the director, which shall include all of the following:

(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name;

(2) The brand and product name of the pesticide;

(3) Any necessary information required for completion of the department of agriculture's application for registration, including the agency registration number;

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in the federal act.

(C) The director, when the director considers it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide including the active and inert ingredients.

(D) The director may require a full description of the tests made and the results thereof upon which the claims are based for any pesticide. The director shall not consider any data submitted in support of an application, without permission of the applicant, in support of any other application for registration unless the other applicant first has offered to pay reasonable compensation for producing the test data to be relied upon and the data are not protected from disclosure by section 921.04 of the Revised Code. In the case of a renewal of registration, a statement shall be required only with respect to information that is different from that furnished when the

pesticide was registered or last registered.

(E) The director may require any other information to be submitted with an application.

Any applicant may designate any portion of the required registration information as a trade secret or confidential business information. Upon receipt of any required registration information designated as a trade secret or confidential business information, the director shall consider the designated information as confidential and shall not reveal or cause to be revealed any such designated information without the consent of the applicants, except to persons directly involved in the registration process described in this section or as required by law.

(F) ~~Beginning January 1, 2007, each~~ Each applicant shall pay a nonrefundable registration and inspection fee of ~~one~~ two hundred fifty dollars for each product name and brand registered for the company whose name appears on the label. If an applicant files for a renewal of registration after the deadline established by rule, the applicant shall pay a penalty fee of ~~seventy-five~~ one hundred twenty-five dollars for each product name and brand registered for the applicant. The penalty fee shall be added to the original fee and paid before the renewal registration is issued. In addition to any other remedy available under this chapter, if a pesticide that is not registered pursuant to this section is distributed within this state, the person required to register the pesticide shall do so and shall pay a penalty fee of ~~seventy-five~~ one hundred twenty-five dollars for each product name and brand registered for the applicant. The penalty fee shall be added to the original fee of ~~one~~ two hundred fifty dollars and paid before the registration

is issued.

(G) Provided that the state is authorized by the administrator of the United States environmental protection agency to register pesticides to meet special local needs, the director shall require the information set forth under divisions (B), (C), (D), and (E) of this section and shall register any such pesticide after determining that all of the following conditions are met:

(1) Its composition is such as to warrant the proposed claims for it.

(2) Its labeling and other material required to be submitted comply with the requirements of the federal act and of this chapter, and rules adopted thereunder.

(3) It will perform its intended function without unreasonable adverse effects on the environment.

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment.

(5) The classification for general or restricted use is in conformity with the federal act.

The director shall not make any lack of essentiality a criterion for denying the registration of any pesticide. When two pesticides meet the requirements of division (G) of this section, the director shall not register one in preference to the other.

(H)(1) The director may refuse to register a pesticide if the application for registration fails to comply with this section.

(2) The director may suspend or revoke a pesticide registration after a hearing in accordance with Chapter 119. of the Revised Code for a pesticide that fails to meet the claims made for it on its label.

(3) The director may immediately suspend a pesticide registration, prior to a hearing, when the director believes that the pesticide poses an immediate hazard to human or animal health or a hazard to the environment. Not later than fifteen days after suspending the registration, the director shall determine whether the pesticide poses such a hazard. If the director determines that no hazard exists, the director shall lift the suspension of the registration. If the director determines that a hazard exists, the director shall revoke the registration in accordance with Chapter 119. of the Revised Code.

(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator~~ or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator~~.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child care centers or licensed school child programs as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the director of education and workforce;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions

holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;

(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;

(x) Any other site designated by rule.

(e) Conduct authorized diagnostic inspections.

(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.

(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.

The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as

a condition of employment.

(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.

(C)(1) Except as provided in division (C)(2) of this section, if the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section 921.12 of the Revised Code, the director shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent. If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application. The applicant may resubmit the application without payment of any additional fee.

(2) The director shall issue a commercial applicator license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(a) The individual holds a commercial applicator license in another state.

(b) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a commercial applicator in a state

that does not issue that license.

A license issued under this division shall be limited to the pesticide-use category or categories for which the applicant is licensed in another state or has satisfactory work experience, a government certification, or a private certification in that state.

(D)(1) A person who is a commercial applicator shall be deemed to hold a private applicator's license for purposes of applying pesticides on agricultural commodities that are produced by the commercial applicator.

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.09. (A)(1) No person shall own or operate a pesticide business without obtaining a license from the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule.

(2) A person applying for a pesticide business license shall ~~register~~ obtain a license for each location that is owned by the person and used for the purpose of engaging in the pesticide business.

(B) Any person who owns or operates a pesticide business outside of this state, but engages in the business of applying pesticides to properties of another for hire in this state, shall obtain a license for the person's principal out-of-state

location from the director. In addition, the person shall ~~register~~ obtain a license for each location that is owned by the person in this state and used for the purpose of engaging in the pesticide business.

(C)(1) The person applying for a pesticide business license shall file a statement with the director, on a form provided by the director, that shall include all of the following:

(a) The address of the principal place of business of the pesticide business;

(b) The address of each location ~~that~~ concerning which the person intends to ~~register~~ obtain a license under division (A)(2) or (B) of this section;

(c) Any other information that the director determines necessary and that the director requires by rule.

(2) Each applicant shall pay a license fee established by rule for the ~~pesticide~~ principal place of business plus an additional fee established by rule for each pesticide business ~~registered~~ location specified in the application. The license may be renewed upon payment of a renewal fee for the principal place of business established by rule plus an additional fee established by rule for each pesticide business ~~registered~~ location. A copy of the license shall be maintained and conspicuously displayed at each ~~such~~ pesticide business location.

(3) The issuance of a pesticide business license constitutes ~~registration~~ licensure of any pesticide business location identified in the application under division (C)(1) of this section.

(4) The owner or operator of a pesticide business shall notify the director not later than fifteen days after any change occurs in the information required under division (C)(1)(a) or (b) of this section.

(D) The owner or operator of a pesticide business shall employ at least one commercial applicator for each pesticide business ~~registered~~ location the owner or operator owns or operates.

(E) The owner or operator of a pesticide business is responsible for the acts of each employee in the handling, application, and use of pesticides and in the conducting of diagnostic inspections. The pesticide business license is subject to denial, modification, suspension, or revocation after a hearing for any violation of this chapter or any rule adopted or order issued under it. The director may levy against the owner or operator any civil penalties authorized by division (B) of section 921.16 of the Revised Code for any violation of this chapter or any rule adopted or order issued under it that is committed by the owner or operator or by the owner's or operator's officer, employee, or agent.

(F) The director may modify a license issued under this section by one of the following methods:

(1) Revoking a licensee's authority to operate out of a particular pesticide business ~~registered~~ location listed under division (C)(1)(b) of this section;

(2) Preventing a licensee from operating within a specific pesticide-use category.

(G) The director may deny a pesticide business license to any person whose pesticide business license has been revoked

within the previous thirty-six months.

(H) Each pesticide business ~~registered~~ location that is owned by a pesticide business is subject to inspection by the director.

(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.11. ~~(A)(1)~~ (A) As used in this section, "use" means any of the following:

(1) Performing pre-application activities involving mixing and loading the pesticide;

(2) Applying the pesticide by a commercial applicator or private applicator;

(3) Performing other pesticide-related activities, including transporting or storing pesticide containers that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(B) No individual shall ~~apply~~ use restricted use pesticides unless the individual is one of the following:

~~(a)~~ (1) Licensed under section 921.06 of the Revised Code;

~~(b)~~ (2) Licensed under division ~~(B)~~ (C) of this section~~;~~

~~(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;~~

~~(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.~~

~~(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:~~

~~(a) Licensed under section 921.06 of the Revised Code;~~

~~(b) Licensed under division (B) of this section~~.

~~(B)(1)~~(C)(1) Subject to division ~~(B)(2)~~(C)(2) of this section, the director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is essential to the administration of this chapter. The fee for each license shall be established by rule. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. If a license is not issued or renewed, the state shall retain any fee submitted as payment for reasonable expenses of processing the application.

(2) The director shall issue a private applicator license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(a) The individual holds a private applicator license in another state.

(b) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a private applicator in a state that does not issue that license.

A license issued under this division shall be limited to the pesticide-use category or categories for which the applicant is licensed in another state or has satisfactory work experience, a government certification, or a private certification in that state.

~~(C)~~ (D) An individual who is licensed under this section shall use ~~or directly supervise the use of~~ a restricted use pesticide only for the purpose of producing agricultural commodities on property that is owned or rented by the individual or the individual's employer.

~~(D)~~ (E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.12. ~~(A)~~ (A)(1) The director of agriculture shall require each applicant for a license by examination under section 921.06 or 921.11 of the Revised Code to be examined on the applicant's knowledge and competency in each of the following:

~~(1)~~ (a) This chapter and rules adopted under it;

~~(2)~~ (b) The proper use, handling, and application of pesticides and, if the applicant is applying for a license under section 921.06 of the Revised Code, in the conducting of diagnostic inspections in the pesticide-use categories for which the applicant has applied.

(2) The director may establish an examination fee by rule to be paid by applicants.

(B) Each application for renewal of a license provided for in section 921.06 of the Revised Code shall be filed prior to the deadline established by rule. If filed after the deadline, a

penalty of fifty per cent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license is issued. However, if a license issued under section 921.06 or 921.11 of the Revised Code is not renewed within one hundred eighty days after the date of expiration, the licensee shall be required to take another examination on this chapter and rules adopted under it and on the proper use, handling, and application of pesticides and, if applicable, the proper conducting of diagnostic inspections in the pesticide-use categories for which the licensee has been licensed.

(C) A person who fails to pass an examination under division (A) or (B) of this section is not entitled to an adjudication under Chapter 119. of the Revised Code for that failure.

(D) The holder of a commercial applicator license may renew the license within one hundred eighty days after the date of expiration without re-examination unless the director determines that a new examination is necessary to insure that the holder continues to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(E) The holder of a private applicator license may renew the license within one hundred eighty days after the date of expiration without re-examination unless the director determines that a new examination is necessary to insure that the holder continues to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(F) Instead of requiring a commercial applicator or private applicator to complete re-examination successfully under

division (D) or (E) of this section, the director may require, in accordance with criteria established by rule, the commercial applicator or private applicator to participate in training programs that are designed to foster knowledge of new technology and to ensure a continuing level of competence and ability to use pesticides safely and properly. The director or the director's representative may provide the training or may authorize a third party to do so. In order for such authorization to occur, the third party and its training program shall comply with standards and requirements established by rule.

Sec. 921.13. (A) Any person who is acting in the capacity of a pesticide dealer or who advertises or assumes to act as a pesticide dealer at any time shall obtain a pesticide dealer license from the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. A license is required for each location or outlet within this state from which the person distributes pesticides.

Any pesticide dealer who has no pesticide dealer outlets in this state and who distributes restricted use pesticides directly into this state shall obtain a pesticide dealer license from the director for the pesticide dealer's principal out-of-state location or outlet and for each sales person operating in the state.

The applicant shall include a license fee established by rule with the application for a license. The application shall be made on a form prescribed by the director.

Each pesticide dealer shall ~~submit~~ maintain records ~~to the director~~ of all of the restricted use pesticides the pesticide

dealer has distributed, as specified by the director, and ~~duplicate~~ the records shall be retained by the pesticide dealer for a period of time established by rules.

(B) This section does not apply to any federal, state, county, or municipal agency that provides pesticides for its own programs.

(C) Each licensed pesticide dealer is responsible for the acts of each employee in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The pesticide dealer's license is subject to denial, suspension, or revocation after a hearing for any violation of this chapter whether committed by the pesticide dealer or by the pesticide dealer's officer, agent, or employee.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.14. (A) Each commercial applicator shall keep a record of both of the following:

(1) All diagnostic inspections conducted to determine infestations of pests as required by rules adopted under division (C) of section 921.16 of the Revised Code;

(2) All pesticide applications made by the applicator and by any trained serviceperson ~~acting under the applicator's direct supervision~~ as required by rules adopted under division (C) of section 921.16 of the Revised Code.

Each commercial applicator shall submit copies of the records required under division (A) of this section to the pesticide business, other business, state agency, or political subdivision that employs the commercial applicator.

(B) Each pesticide business, other business, state agency, or political subdivision that receives copies of records under division (A) of this section shall retain them for a period of time established by rule.

(C) Each private applicator shall keep a record of all restricted use pesticide applications made by the applicator or under the applicator's direct supervision as required by rules adopted under division (C) of section 921.16 of the Revised Code. In addition, each private applicator shall maintain the record for a period of three years from the date of the restricted use pesticide application to which that record refers or for any longer period that the director of agriculture determines necessary.

Sec. 921.16. (A) The director of agriculture shall adopt rules the director determines necessary for the effective enforcement and administration of this chapter. The rules may relate to, but are not limited to, the time, place, manner, and methods of application, materials, and amounts and concentrations of application of pesticides, may restrict or prohibit the use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors that the director determines necessary to minimize or prevent damage to the environment. In addition, the rules shall establish the deadlines and time periods for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code; the fees for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code that shall apply until the fees that are established under that section take effect on January 1, 2007; and the fees, deadlines, and time periods for licensure and license renewal under

sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code.

(B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, or any rule or order adopted or issued under it, provided that the civil penalty for a first violation shall not exceed five thousand dollars and the civil penalty for each subsequent violation shall not exceed ten thousand dollars. In determining the amount of a civil penalty for a violation, the director shall consider factors relevant to the severity of the violation, including past violations and the amount of actual or potential damage to the environment or to human beings. All money collected under this division shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

(C) The director shall adopt rules that set forth the conditions under which the director:

(1) Requires that notice or posting be given of a proposed application of a pesticide;

(2) Requires inspection, condemnation, or repair of equipment used to apply a pesticide;

(3) Will suspend, revoke, or refuse to issue any pesticide registration for a violation of this chapter;

(4) Requires safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(5) Ensures the protection of the health and safety of agricultural workers storing, handling, or applying pesticides, and all residents of agricultural labor camps, as that term is defined in section 3733.41 of the Revised Code, who are living

or working in the vicinity of pesticide-treated areas;

(6) Requires a record to be kept of all pesticide applications made by each commercial applicator and of all general use applications made by any trained serviceperson acting under the commercial applicator's direct supervision and of all restricted use pesticide applications made by each private applicator ~~and by any immediate family member or subordinate employee of that private applicator who is acting under the private applicator's direct supervision~~ as required under section 921.14 of the Revised Code;

(7) Determines the pesticide-use categories of diagnostic inspections that must be conducted by a commercial applicator;

(8) Requires a record to be kept of all diagnostic inspections conducted by each commercial applicator and by any trained service person.

(D) The director shall prescribe standards for the licensure of applicators of pesticides consistent with those prescribed by the federal act and the regulations adopted under it or prescribe standards that are more restrictive than those prescribed by the federal act and the regulations adopted under it. The standards may relate to the use of a pesticide or to an individual's pesticide-use category.

The director shall take into consideration standards of the United States environmental protection agency.

(E) The director may adopt rules setting forth the conditions under which the director will:

(1) Collect and examine samples of pesticides or devices;

(2) Specify classes of devices that shall be subject to

this chapter;

(3) Prescribe other necessary registration information.

(F) The director may adopt rules that do either or both of the following:

(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if the director considers it necessary, to further restrict such use;

(2) Define what constitutes "acting under the instructions and control of a commercial applicator" as used in the definition of "direct supervision" in division ~~(Q)(1)~~ (Q) of section 921.01 of the Revised Code. In adopting a rule under division (F)(2) of this section, the director shall consider the factors associated with the use of pesticide in the various pesticide-use categories. Based on consideration of the factors, the director may define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication. Any rules adopted under division (F)(2) of this section shall be drafted in consultation with representatives of the pesticide industry.

(G) Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is inconsistent with the requirements of the federal act and regulations adopted thereunder.

(H) The director, after notice and opportunity for

hearing, may declare as a pest any form of plant or animal life, other than human beings and other than bacteria, viruses, and other microorganisms on or in living human beings or other living animals, that is injurious to health or the environment.

(I) The director may make reports to the United States environmental protection agency, in the form and containing the information the agency may require.

(J) The director shall adopt rules for the application, use, storage, and disposal of pesticides if, in the director's judgment, existing programs of the United States environmental protection agency necessitate such rules or pesticide labels do not sufficiently address issues or situations identified by the department of agriculture or interested state agencies.

(K) The director shall adopt rules establishing all of the following:

(1) Standards, requirements, and procedures for the examination and re-examination of commercial applicators and private applicators;

(2) With respect to training programs that the director may require commercial applicators and private applicators to complete:

(a) Standards and requirements that a training program must satisfy in order to be offered by the director or the director's representative or in order to be approved by the director if a third party wishes to offer it;

(b) Eligibility standards and requirements that must be satisfied by third parties who wish to provide the training programs;

(c) Procedures that third parties must follow in order to submit a proposed training program to the director for approval;

(d) Criteria that the director must consider when determining whether to authorize a commercial applicator or private applicator to participate in a training program instead of being required to pass a re-examination.

(3) Training requirements for a trained serviceperson.

(L) The director shall adopt all rules under this chapter in accordance with Chapter 119. of the Revised Code.

Sec. 921.23. (A) Except as provided in division (B) of this section, the director of agriculture may suspend, prior to a hearing, for not longer than ~~ten~~ thirty days, and after the opportunity for a hearing may deny, suspend, revoke, refuse to renew, or modify any provision of any license, permit, or registration issued pursuant to this chapter if the director finds that the applicant or the holder of a license, permit, or registration is no longer qualified, has violated any provision of this chapter or rules adopted under it, has entered into an administrative or judicial settlement under the federal act, has been found guilty of violating the federal act, or has been convicted of a misdemeanor involving moral turpitude or of a felony.

(B) The director shall not deny a license, permit, or registration issued pursuant to this chapter because an applicant was convicted of or pleaded guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 921.24. No person shall do any of the following:

(A) Apply, use, directly supervise such application or

use, or recommend a pesticide for use inconsistent with the pesticide's labeling, treatment standards, or other restrictions imposed by the director of agriculture;

(B) Act as a commercial applicator without being licensed to do so;

(C) Use any restricted use pesticide, unless the person is licensed to do so~~, is a trained serviceperson acting under the direct supervision of a commercial applicator, or is an immediate family member or a subordinate employee of a private applicator under the direct supervision of that private applicator~~ under this chapter;

(D) Refuse or fail to keep or maintain records required by the director in rules adopted under this chapter, or to make reports when and as required by the director in rules adopted under this chapter;

(E) Falsely or fraudulently represent the effect of pesticides or methods to be utilized;

(F) Apply known ineffective or improper materials;

(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;

(H) Impersonate any federal, state, county, or municipal official;

(I) Make false or fraudulent records, invoices, or reports;

(J) Fail to provide training to trained servicepersons in the application of general use pesticides;

(K) Fail to provide direct supervision as specified in

rules adopted under division (C) of section 921.16 of the Revised Code;

(L) Distribute a misbranded or adulterated pesticide;

(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;

(N) Refuse, fail, or neglect to comply with any limitation or restriction of a license or registration issued under this chapter or rules adopted thereunder;

(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;

(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;

(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;

(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;

(S) Except as provided in division (F) of section 921.26 of the Revised Code, distribute restricted use pesticides to an ultimate user who is not licensed under section 921.06 or 921.11 of the Revised Code and rules adopted under this chapter;

(T) Use any pesticide that is under an experimental use permit contrary to the provisions of the permit;

(U) Engage in fraudulent business practices;

(V) Dispose of any pesticide product or container in such a manner as to have unreasonable adverse effects on the environment;

(W) Display any pesticide in any manner to produce unreasonable adverse effects on the environment, or to contaminate adjacent food, feed, or other products;

(X) Apply any pesticide by aircraft without being licensed as a commercial applicator;

(Y) Distribute a pesticide that is not registered with the director;

(Z) Fail to properly supervise a trained serviceperson.

Sec. 921.26. (A) The penalties provided for violations of this chapter do not apply to any of the following:

(1) Any carrier while lawfully engaged in transporting a pesticide or device within this state, if that carrier, upon request, permits the director of agriculture to copy all records showing the transactions in the movement of the pesticides or devices;

(2) Public officials of this state and the federal government, other than commercial applicators employed by the federal government, the state, or a political subdivision, while engaged in the performance of their official duties in administering state or federal pesticide laws or rules, or while engaged in pesticide research;

(3) The manufacturer or shipper of a pesticide for experimental use only by or under supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of pesticides, provided that the manufacturer or shipper is not required to obtain an experimental use permit from the United States environmental protection agency;

(4) The manufacturer or shipper of a substance being tested in which its purpose only is to determine its value for pesticide purposes or to determine its toxicity or other properties, and from which the user does not expect to receive any benefit in pest control from its use;

(5) Persons conducting laboratory research involving pesticides;

(6) Persons who incidentally use pesticides. The incidental use shall involve only the application of general use pesticides. If a person incidentally uses a pesticide, the pesticide shall be applied in strict accordance with the manufacturer's label for general use purposes. If further applications are necessary following the incidental use application, a pesticide applicator shall apply the pesticide.

(B) No pesticide or device shall be considered in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If the pesticide or device is not so exported, this chapter applies.

(C)(1) No person who is licensed, regulated, or registered under section 921.02, 921.03, 921.06, 921.09, 921.11, or 921.13 of the Revised Code shall be required to obtain a license or permit to operate or to be otherwise regulated in such capacity by any local ordinance, or to meet any other condition except as otherwise provided by statute or rule of the United States or of this state.

(2) No political subdivision shall regulate or ban the packaging, registration, labeling, sale, storage, distribution, use, or application of a pesticide registered under section

921.02 of the Revised Code on private property, including private property that is open to the public. As used in this section, "political subdivision" has the same meaning as in section 905.503 of the Revised Code.

(D) Section 921.09 of the Revised Code does not apply to an individual who uses only ground equipment for the individual or for the individual's neighbors, provided that the individual meets all of the following requirements:

(1) Is licensed under section 921.11 of the Revised Code;

(2) Operates farm property and operates and maintains pesticide application equipment primarily for the individual's own use;

(3) ~~Is not regularly engaged~~ Does not engage in the business of applying pesticides for hire or does not publicly hold oneself out as a pesticide applicator;

(4) Meets any other requirement established by rule.

(E) Section 921.06 of the Revised Code relating to licenses and requirements for their issuance does not apply to licensed physicians or veterinarians applying pesticides to human beings or other animals during the normal course of their practice, provided that they are not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation or do not publicly hold themselves out as commercial applicators.

(F) Division (S) of section 921.24 of the Revised Code does not apply to a pesticide dealer who distributes restricted use pesticides to a nonresident who is licensed in another state having a state plan approved by the United States environmental protection agency.

Sec. 923.42. (A) No person who manufactures commercial feed or customer-formula feed, or whose name appears on the label of any commercial feed or customer-formula feed as a distributor shall distribute in this state any type of commercial feed unless ~~he~~the person is registered ~~with the director of agriculture on a form provided by the director that identifies the manufacturer's or distributor's name, place of business, and location of each manufacturing facility in this state~~in accordance with this section.

A manufacturer and distributor shall annually register, on a form prescribed by the director of agriculture, and pay a registration fee of fifty dollars. The person shall file the registration not later than February first of each year. A registration expires January thirty-first of the following year.

(B) ~~The director shall assign to each manufacturer or distributor registered under division (A) of this section a permanent registration number.~~

~~(C)~~ The director may revoke or suspend a registration or refuse to register a person upon a finding that the manufacturer, distributor, or person violated any provision of sections 923.41 to 923.55 of the Revised Code or any rule adopted under those sections.

No registration shall be revoked, suspended, or refused until the manufacturer, distributor, or person has an opportunity to appear at an adjudication hearing conducted in accordance with Chapter 119. of the Revised Code.

(C) For purposes of this section, "manufacturer" includes an exempt buyer.

Sec. 923.44. (A)(1) Except as otherwise provided in

divisions (A)(2), (3), and (4) of this section, the first distributor of a commercial feed shall pay the director of agriculture ~~a semiannual~~ an annual inspection fee at the rate of twenty-five cents per ton~~, with a minimum payment of twenty-five dollars,~~ on all commercial feeds distributed by the first distributor in this state. The department of agriculture shall not collect inspection fees on the first two hundred tons of commercial feed sold in a calendar year.

(2) The ~~semiannual~~ annual inspection fee required under division (A)(1) of this section shall not be paid by the first distributor of a commercial feed if the distribution is made to an exempt buyer who shall be responsible for the fee. The director shall establish an exempt list consisting of those buyers who are responsible for the fee.

(3) The ~~semiannual~~ annual inspection fee shall not be paid on a commercial feed if the fee has been paid by a previous distributor.

(4) The ~~semiannual~~ annual inspection fee shall not be paid on customer-formula feed if the fee has been paid on the commercial feeds that are used as components in that customer-formula feed.

(B) Each distributor or exempt buyer who is required to pay a fee under division (A)(1) or (2) of this section shall file ~~a semiannual~~ an annual statement with the director that includes the number of net tons of commercial feed distributed by the distributor or exempt buyer in this state~~, within thirty days after the thirtieth day of June and within thirty days after the thirty-first day of December, respectively, of each~~ for the previous calendar year. The distributor or exempt buyer shall file the statement with the distributor's or exempt

buyer's registration required under section 923.42 of the Revised Code.

The inspection fee at the rate stated in division (A)(1) of this section shall accompany the statement. For a tonnage report that is not filed or payment of inspection fees that is not made ~~within fifteen days after~~ by the due date established in section 923.42 of the Revised Code, a penalty of ten per cent of the amount due~~, with a minimum penalty of~~ or fifty dollars, whichever is greater, shall be assessed against the distributor or exempt buyer. The amount of fees due, plus penalty, shall constitute a debt and become the basis of a judgment against the distributor or exempt buyer.

(C) No information furnished under this section shall be disclosed by an employee of the department of agriculture in such a way as to divulge the operation of any person required to make such a report.

(D) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 923.51. No person shall commit any of the following acts or cause to be committed any of the following acts:

(A) Adulterate commercial feed or distribute adulterated commercial feed;

(B) Adulterate pet food or distribute adulterated pet food;

(C) Misbrand commercial feed or distribute misbranded commercial feed;

(D) Adulterate any agricultural commodity such as whole

seed, hay, straw, stover, silage, cobs, husks, or hulls and feed it to animals or distribute any such commodity that is adulterated;

(E) Remove or dispose of a commercial feed in violation of a withdrawal from distribution order or a condemnation and confiscation order issued under section 923.52 or 923.53 of the Revised Code or any rules adopted under those sections;

(F) Use for the person's own advantage, or reveal except to the director of agriculture or the director's agent or to the courts when relevant in any judicial proceeding under sections 923.41 to 923.55 of the Revised Code or any rules adopted under those sections, any information acquired under the authority of those sections of the Revised Code or rules adopted under those sections that as a trade secret is entitled to protection;

(G) Fail or refuse to register as required under section 923.42 of the Revised Code or any rule adopted under that section;

(H) Fail to pay inspection fees or file ~~semiannual~~ annual reports as required under section 923.44 of the Revised Code or any rule adopted under that section.

Sec. 924.51. (A) There is hereby created the Ohio grape industries committee consisting of ~~nine~~ ten members. The members shall be the director of agriculture or the director's designee, who shall chair the committee, the superintendent of liquor control or the superintendent's designee, ~~the chief of the division of markets of the department of agriculture,~~ the viticulture extension specialist of the Ohio agricultural research and development center, who shall be a nonvoting member, and ~~five~~ seven members who shall be residents of this

state and appointed by the director of agriculture in accordance with division (B) of this section. At no time shall the director appoint more than ~~five~~ seven members to the committee.

(B) Of the ~~five~~ seven members of the committee appointed by the director of agriculture, not less than ~~two~~three, but not more than ~~three~~ four shall be persons who receive income from the production of grapes or grape products. Not less than ~~two~~three, but not more than ~~three~~ four members shall be persons who receive income from the production of wine from raw grape or fruit products in either raw fruit or fresh juice form. The terms for each appointed member of the committee shall be for three years, commencing on the first day of January and ending on the thirty-first day of December. No appointed member shall serve more than two consecutive terms. The director may remove any appointed member for cause.

(C) Members shall be appointed to fill vacancies caused by death, resignation, or removal in the same manner prescribed for regular appointment to the committee. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of that member's term until that member's successor takes office, or until a period of one hundred eighty days has elapsed, whichever occurs first.

(D) All members of the committee are entitled to their actual and necessary expenses incurred in the performance of their duties as members, payable from moneys received from the Ohio grape industries fund created under section 924.54 of the Revised Code.

(E) A majority of the committee constitutes a quorum.

Sec. 927.53. (A) Each collector or dealer who sells, offers, or exposes for sale, or distributes nursery stock within this state, or ships nursery stock to other states, shall pay an annual license fee of one hundred twenty-five dollars to the director of agriculture for each place of business the collector or dealer operates.

(B)(1) Each dealer shall furnish the director, annually, an affidavit that the dealer will buy and sell only nursery stock which has been inspected and certified by an official state or federal inspector.

(2) Each dealer's license expires on the thirty-first day of December of each year. Each licensed dealer shall apply for renewal of the dealer's license prior to the first day of January of each year and in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(C) Each licensed nurseryperson shall post conspicuously in the nurseryperson's principal place of business, the certificate which is issued to the nurseryperson in accordance with section 927.61 of the Revised Code.

(D) Each licensed nurseryperson, or dealer, shall post conspicuously in each place of business, each certificate or license which is issued to the nurseryperson or dealer in compliance with this section or section 927.61 of the Revised Code.

(E)(1) Each nurseryperson who produces, sells, offers for sale, or distributes woody nursery stock within the state, or ships woody nursery stock to other states, shall pay to the director an annual inspection fee of ~~one~~ two hundred dollars plus ~~eleven~~ fifteen dollars per acre, or fraction thereof, of

growing nursery stock in intensive production areas and ~~seven~~ ten dollars per acre, or fraction thereof, of growing nursery stock in nonintensive production areas, as applicable.

(2) Each nurseryperson who limits production and sales of nursery stock to brambles, herbaceous, perennial, and other nonwoody plants, shall pay to the director an inspection fee of one hundred dollars, plus eleven dollars per acre, or fraction thereof, of growing nursery stock in intensive and nonintensive production areas.

(F) The fees collected under this section shall be credited to the plant pest program fund created in section 927.54 of the Revised Code.

Sec. 928.02. (A)(1) The director of agriculture ~~shall~~ may establish a program to monitor and regulate hemp cultivation and shall establish a program to monitor and regulate hemp processing in this state. ~~Under the~~

(2) If the director establishes a program to monitor and regulate hemp cultivation in this state and subsequently intends to transfer authority to the United States department of agriculture to monitor and regulate hemp cultivation in this state, the director shall take whatever actions necessary to effectuate such transfer.

(3) If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section, the director shall issue hemp cultivation licenses ~~and hemp processing licenses~~ in accordance with rules adopted under section 928.03 of the Revised Code.

~~(2) As~~ (4) If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this

section and as authorized by the director, the department of agriculture or a university may cultivate ~~or process~~ hemp without a hemp cultivation license ~~or hemp processing license~~ for research purposes.

(5) As authorized by the director, the department of agriculture or a university may process hemp without a hemp processing license for research purposes.

(B) ~~Except~~ If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section and except as authorized under division ~~(A)(2)~~(A)(4) or (E) of this section, any person that wishes to cultivate hemp shall apply for and obtain a hemp cultivation license from the director in accordance with rules adopted under section 928.03 of the Revised Code. Except as authorized under division ~~(A)(2)~~(A)(5) or (E) of this section, any person that wishes to process hemp shall apply for and obtain a hemp processing license from the director in accordance with those rules. Such licenses are valid for three years unless earlier suspended or revoked by the director.

(C) The department, a university, or any person may, without a hemp cultivation license or hemp processing license, possess, buy, or sell hemp or a hemp product.

(D) Notwithstanding any other provision of the Revised Code to the contrary, the addition of hemp or a hemp product to any other product does not adulterate that other product.

(E) ~~The~~ If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section, the director shall issue a hemp cultivation license ~~or hemp processing license~~ in accordance with Chapter 4796. of the

Revised Code to an individual if either of the following applies:

(1) The individual holds the applicable license in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hemp cultivator ~~or hemp processor~~ in a state that does not issue the applicable license.

(F) The director shall issue a hemp processing license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(1) The individual holds the applicable license in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hemp processor in a state that does not issue the applicable license.

Sec. 928.03. The director of agriculture, in consultation with the governor and attorney general, shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the regulation of hemp processing. The director also shall adopt such rules, in consultation with the governor and attorney general, regarding hemp cultivation ~~and processing~~ if the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of section 928.02 of the Revised Code. The rules shall include all of the following:

(A) The form of an application for a hemp cultivation license and hemp processing license and the information required

to be included in each license application;

(B) The amount of an initial application fee that an applicant shall submit along with an application for a hemp cultivation license or a hemp processing license, and the amount of an annual license fee that a licensee shall submit for a hemp cultivation license or a hemp processing license. In adopting rules under division (B) of this section, the director shall ensure both of the following:

(1) That the amount of the application fee and annual license fee does not exceed an amount sufficient to cover the costs incurred by the department of agriculture to administer and enforce this chapter;

(2) That there is one uniform application fee and one uniform annual license fee that applies to all applicants for a hemp cultivation license.

(C) Requirements and procedures concerning background investigations of each applicant for a hemp cultivation license and each applicant for a hemp processing license. ~~The director shall include both of the following in the rules adopted under this division:~~

~~(1) A requirement that each applicant comply with sections 4776.01 to 4776.04 of the Revised Code;~~

~~(2) Provisions that prohibit the director from issuing a hemp cultivation license or hemp processing license to an applicant that has not complied with those sections.~~

(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license;

(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license.

(F) Procedures and requirements for the issuance, renewal, denial, suspension, and revocation of a hemp cultivation license and hemp processing license, including providing for a hearing under Chapter 119. of the Revised Code with regard to such a denial, suspension, or revocation;

(G) Grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license~~, including a requirement that the director revoke a hemp cultivation license or hemp processing license, for a period of ten years, of any person who pleads guilty to or is convicted of a felony relating to a controlled substance~~;

(H) ~~A requirement that the director shall not issue a hemp cultivation license or hemp processing license to any person who has pleaded guilty to or been convicted of a felony relating to a controlled substance in the ten years immediately prior to the submission of the application for a license;~~

~~(I)~~ A requirement that any person that materially falsifies information in an application for a hemp cultivation license or hemp processing license is ineligible to receive either license;

~~(J)~~ (I) A practice for maintaining relevant information regarding land on which hemp is cultivated by hemp cultivation licensees, including a legal description of the land, in accordance with applicable federal law;

~~(K)~~ (J) Requirements prohibiting a hemp cultivation licensee and a hemp processing licensee from cultivating or

processing marihuana;

~~(L)~~ (K) A procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of plants and products for purposes of determining compliance with this chapter and rules adopted under it;

~~(M)~~ (L) Requirements and procedures for the issuance, administration, and enforcement of corrective action plans issued under this chapter;

~~(N)~~ (M) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp cultivation license holders to verify that plants are not being cultivated in violation of this chapter or rules adopted under it;

~~(O)~~ (N) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp processing license holders to verify that such license holders are not operating in violation of this chapter or rules adopted under it;

~~(P)~~ (O) A procedure for complying with enforcement procedures required under federal law;

~~(Q)~~ (P) A procedure for the effective disposal of all of the following:

(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;

(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;

(3) Products produced in violation of this chapter or rules adopted under it.

~~(R)~~ (Q) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.

For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division ~~(R)~~ (Q) of this section.

~~(S)~~ (R) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;

~~(T)~~ (S) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where medical marijuana is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a medical marijuana cultivator that locates medical marijuana within the established setback distance requirement after the hemp cultivation license holder begins operation.

~~(U)~~ (T) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;

~~(V)~~ (U) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;

~~(W)~~ (V) Fees for the laboratory testing of plants and products;

~~(X)~~ (W) Standards for the testing and labeling of hemp and hemp products;

~~(Y)~~ (X) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;

~~(Z)~~ (Y) Production standards and manufacturing practices for processing hemp;

~~(AA)~~ (Z) Procedures and requirements for the transportation and storage of both hemp and hemp products;

~~(BB)~~ (AA) Any other requirements or procedures necessary to administer and enforce this chapter.

Sec. 928.04. (A) Except as authorized under division ~~(A)(2)~~ (A)(4) or (5) of section 928.02 of the Revised Code, no person shall cultivate hemp without a hemp cultivation license issued by the director of agriculture under this chapter, if the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of section 928.02 of the Revised Code, or process hemp without a hemp processing license issued by the director of agriculture under this chapter.

(B) No person who holds a hemp cultivation license or hemp processing license issued by the director under this chapter shall violate this chapter or rules adopted under it.

(C) No person subject to a corrective action plan issued by the director of agriculture under section 928.05 of the Revised Code shall fail to comply with the plan.

(D) No person shall transport hemp or a hemp product in violation of rules adopted under section 928.03 of the Revised Code.

Sec. 935.06. (A) Not later than ninety days after receipt of an application under section 935.05 of the Revised Code, the

director of agriculture shall issue or deny a wildlife shelter permit. The director shall issue a permit to an applicant only if all of the following apply:

(1) The applicant is eighteen years of age or older.

(2) The applicant has registered the dangerous wild animal or animals that are the subject of the application under section 935.04 of the Revised Code.

(3) The applicant is in compliance with the standards of care established in rules adopted under division (A)(2) of section 935.17 of the Revised Code.

(4) The applicant has sterilized each male dangerous wild animal that is possessed by the applicant. However, a dangerous wild animal is not required to be sterilized if a veterinarian that is qualified to provide veterinary care to the dangerous wild animal determines that the sterilization is medically contraindicated and the applicant has submitted a copy of the veterinarian's written determination with the applicant's application.

(5) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a dangerous wild animal possessed by the applicant. Division (A)(5) of this section does not apply to an employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code possessed by the applicant if the care is provided under the direction of the applicant.

(6) The applicant has not been convicted of or pleaded

guilty to a a disqualifying offense as determined in accordance with section 9.79 of the Revised Code and a criminal records check performed in accordance with division (B) of this section.

(7) The facility at which a dangerous wild animal or dangerous wild animals will be maintained under the permit consists of at least one acre. Division (A)(7) of this section does not apply to either of the following:

(a) Dangerous wild animals specified in division (C)(20) of section 935.01 of the Revised Code;

(b) An applicant to whom the director issues a written waiver stating that the acreage requirement does not apply to the applicant.

(8) The applicant has signed an affidavit attesting that the facility at which a dangerous wild animal or dangerous wild animals will be maintained under the permit and the conditions in which each dangerous wild animal will be kept in that facility are in compliance with this chapter and rules.

(9) The applicant has submitted a complete application that meets the requirements established in section 935.05 of the Revised Code.

(10) The applicant has submitted the applicable fee under section 935.05 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(B) Prior to issuing or denying a wildlife shelter permit, the director shall submit a request to the bureau of criminal identification and investigation in the office of the attorney general for a criminal records check of the applicant for the

permit. Upon receipt of a request, the superintendent of the bureau shall conduct a criminal records check in the manner described in division (B) of section 109.572 of the Revised Code to determine whether any information exists that indicates that the applicant previously has been convicted of or pleaded guilty to any of the following:

(1) A felony drug abuse offense;

(2) An offense of violence that is a felony;

(3) A violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly.

The applicant is responsible for paying all costs associated with the criminal records check.

(C) If a permit application is denied, two hundred fifty dollars of the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant.

(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the

initial permit in section 935.05 of the Revised Code. If a renewal permit is denied, two hundred fifty dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant.

(E) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under Chapter 119. of the Revised Code.

(F) If a person does not appeal the determination of the director to deny an application for a permit or a renewal of a permit or if the determination of the director is affirmed under Chapter 119. of the Revised Code, not later than thirty days after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the dangerous wild animal or animals that the person possesses to a humane society, wildlife sanctuary, rescue facility, facility that is an accredited member of either the association of zoos and aquariums or the zoological association of America, or facility that is located in another state and that complies with that state's applicable laws. After the transfer has occurred, the person shall submit proof to the director that the dangerous wild animal or animals were transferred and shall specify the society, sanctuary, or facility to which the animal or animals were transferred.

The person is responsible for all costs associated with the transfer of the dangerous wild animal or animals.

(G) If a person that has been issued a wildlife shelter permit under this section or a wildlife propagation permit under section 935.07 of the Revised Code dies, the person's next of

kin shall do one of the following:

(1) If the next of kin wishes to possess the dangerous wild animal or animals, obtain a wildlife shelter permit under this section or a wildlife propagation permit under section 935.07 of the Revised Code, as applicable. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee.

(2) If the deceased person has a last will and testament that specifies that the dangerous wild animal or animals possessed by the person are to be transferred to another person that has been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit issued under this chapter, transfer the dangerous wild animal or animals to the applicable permit holder;

(3) Transfer the dangerous wild animal or animals that were possessed by the deceased person in accordance with division (F) of this section.

(H) All fees collected under this section shall be credited to the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

Sec. 935.07. (A) A person that possesses a registered dangerous wild animal in this state on October 1, 2013, that wishes to continue to possess the dangerous wild animal on and after January 1, 2014, and that intends to propagate the animal solely for the purposes of a species survival program that complies with rules shall apply for a wildlife propagation permit under this section. An applicant need apply for only one

permit regardless of the number of dangerous wild animals that the applicant possesses.

(B) Except as otherwise provided in this section, an applicant for a wildlife propagation permit shall comply with the requirements and procedures established in sections 935.05 and 935.06 of the Revised Code. The application fee for a wildlife propagation permit shall be one of the following, as applicable:

(1) One thousand dollars if the applicant possesses not more than fifty dangerous wild animals;

(2) Three thousand dollars if the applicant possesses more than fifty dangerous wild animals.

(C) The facility at which a dangerous wild animal or dangerous wild animals will be maintained under a wildlife propagation permit shall consist of at least two acres. Division (C) of this section does not apply to either of the following:

(1) Dangerous wild animals specified in division (C)(20) of section 935.01 of the Revised Code;

(2) An applicant to whom the director of agriculture issues a written waiver stating that the acreage requirement does not apply to the applicant.

(D) All fees collected under this section shall be credited to the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

(E) Division (A)(4) of section 935.06 of the Revised Code does not apply to an applicant for a wildlife propagation permit.

Sec. 935.09. (A) Not later than ninety days after receipt of an application under section 935.08 of the Revised Code, the director of agriculture shall issue or deny a restricted snake possession permit. The director shall issue a permit to an applicant only if all of the following apply:

(1) The applicant is eighteen years of age or older.

(2) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a restricted snake possessed by the applicant. Division (A)(2) of this section does not apply to either of the following:

(a) An applicant that displays a restricted snake or snakes specified in division (L)(1) of section 935.01 of the Revised Code to a primary or secondary school age student;

(b) An employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a restricted snake or snakes possessed by the applicant if the care is provided under the direction of the applicant.

(3) The applicant has not been convicted of or pleaded guilty to a felony drug abuse offense, an offense of violence that is a felony, or a violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly, as determined by a criminal records check performed in accordance with division (B) of this section.

(4) The applicant has signed an affidavit attesting that the facility at which a restricted snake or snakes will be maintained under the permit and the conditions in which each

restricted snake will be kept in that facility are in compliance with this chapter and rules.

(5) The applicant has submitted a complete application that meets the requirements established in section 935.08 of the Revised Code.

(6) The applicant has submitted the application fee established in section 935.08 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(B) Prior to issuing or denying a restricted snake possession permit, the director shall submit a request to the bureau of criminal identification and investigation in the office of the attorney general for a criminal records check of the applicant for the permit. Upon receipt of a request, the superintendent of the bureau shall conduct a criminal records check in the manner described in division (B) of section 109.572 of the Revised Code to determine whether any information exists that indicates that the applicant previously has been convicted of or pleaded guilty to any of the following:

(1) A felony drug abuse offense;

(2) An offense of violence that is a felony;

(3) A violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly.

The applicant is responsible for paying all costs associated with the criminal records check.

(C) If a permit application is denied, seventy-five

dollars of the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant.

(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the restricted snake or snakes that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.08 of the Revised Code. If a renewal permit is denied, seventy-five dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant.

(E) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under Chapter 119. of the Revised Code.

(F) If a person does not appeal the determination of the director to deny an application for a permit or a renewal of a permit or if the determination of the director is affirmed under Chapter 119. of the Revised Code, not later than thirty days after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the restricted snake or snakes that the person possesses to a humane

society, wildlife sanctuary, facility that is an accredited member of either the association of zoos and aquariums or the zoological association of America, or facility that is located in another state and that complies with that state's applicable laws. After the transfer has occurred, the person shall submit proof to the director that the restricted snake or snakes were transferred and shall specify the society, sanctuary, or facility to which the snake or snakes were transferred.

The person is responsible for all costs associated with the transfer of the restricted snake or snakes.

(G) If a person that has been issued a restricted snake possession permit under this section or a restricted snake propagation permit under section 935.10 of the Revised Code dies, the person's next of kin shall do one of the following:

(1) If the next of kin wishes to possess the restricted snake or snakes, obtain a restricted snake possession permit under this section or a restricted snake propagation permit under section 935.10 of the Revised Code, as applicable. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee.

(2) If the deceased person has a last will and testament that specifies that the restricted snake or snakes possessed by the person are to be transferred to another person that has been issued a restricted snake possession permit under this section or a restricted snake propagation permit issued under section 935.10 of the Revised Code, transfer the restricted snake or snakes to the applicable permit holder;

(3) Transfer the restricted snake or snakes that were

possessed by the deceased person in accordance with division (F) of this section.

(H) All fees collected under this section shall be credited to the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

Sec. 935.10. (A)(1) A person that possesses a restricted snake in this state prior to January 1, 2014, that wishes to continue to possess the restricted snake on and after that date, and that intends to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake propagation permit under this section not later than January 1, 2014.

(2) A person that acquires a restricted snake in this state on or after January 1, 2014, and that intends to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake propagation permit under this section not later than one hundred twenty days after acquiring the snake.

(3) An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses.

(B) Except as otherwise provided in this section, an applicant for a restricted snake propagation permit shall comply with the requirements and procedures established in sections 935.08 and 935.09 of the Revised Code. The application fee for a restricted snake propagation permit shall be three hundred dollars.

(C) If a permit application is denied, one hundred fifty dollars of the permit application fee shall be retained by the director of agriculture as payment for the reasonable expense of

processing the application, and the remainder of the fee shall be returned to the applicant.

(D) All fees collected under this section shall be credited to the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

Sec. 935.16. (A) If a dangerous wild animal or restricted snake escapes, the person that possesses the animal or snake immediately shall notify both of the following:

(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred;

(2) The division of animal health in the department of agriculture by means of the twenty-four-hour telephone number that is maintained by the division.

(B)(1) A law enforcement officer or natural resources law enforcement officer may destroy a dangerous wild animal or restricted snake that has escaped and that poses a threat to public safety.

(2) A law enforcement officer or natural resources law enforcement officer that destroys an escaped dangerous wild animal or restricted snake pursuant to division (B)(1) of this section is not liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake.

(C) The person that possesses a dangerous wild animal or restricted snake that escapes is responsible for all reasonable costs associated with the capture or destruction of the animal or snake. The person shall reimburse the political subdivision

that employs the law enforcement officer who captured or destroyed the dangerous wild animal or restricted snake for the costs incurred in capturing or destroying the animal or snake. However, if the law enforcement officer is a state highway patrol trooper or if a natural resources law enforcement officer captured or destroyed the dangerous wild animal or restricted snake, the person shall reimburse the state highway patrol or department of natural resources, as applicable, for those costs.

(D)(1) Except as provided in division (D)(2) of this section, money collected under division (C) of this section shall be credited to a special fund, which is hereby created in the applicable political subdivision. Money in the special fund shall be used exclusively for the administration and enforcement of this chapter and rules.

(2) Money collected under division (C) of this section for costs incurred by a state highway patrol trooper or a natural resources law enforcement officer under this section shall be deposited in the state treasury to the credit of the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

(3) If law enforcement officers from more than one jurisdiction assist in the capture or destruction of a dangerous wild animal or restricted snake, the money collected shall be proportionally distributed to each political subdivision's special fund and the dangerous and restricted animal fund, if applicable.

Sec. 935.17. The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(A) Both of the following concerning the registration of dangerous wild animals under section 935.04 of the Revised Code:

(1) Any additional information that must be included with a registration;

(2) Standards for the care and housing of registered dangerous wild animals, including standards for the proper care of each species of dangerous wild animal and caging and fencing of the animals.

The director shall adopt rules under division (A) of this section not later than ninety days after ~~the effective date of this section~~ September 5, 2012.

(B) Standards for the care and well-being of dangerous wild animals specified in divisions (C)(1) to (19) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting rules under this division, the director shall consider the following factors:

(1) Best management practices for the care and well-being of dangerous wild animals;

(2) Public health and safety;

(3) Biosecurity;

(4) The prevention of disease;

(5) Animal morbidity and mortality data;

(6) Generally accepted veterinary medical practices;

(7) Standards adopted by the association of zoos and aquariums;

(8) Standards adopted by the zoological association of America;

(9) Standards established in the federal animal welfare act;

(10) Ethical standards established by the American veterinary medical association;

(11) Any other factors that the director considers necessary for the proper care and well-being of dangerous wild animals in this state.

(C) Standards for the housing of dangerous wild animals specified in division (C)(20) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter;

(D) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code:

(1) Any additional information that must be included with a permit application;

(2) Criteria for determining what constitutes a species survival program for the purposes of division (A) of section 935.07 of the Revised Code and requirements and procedures that are necessary to determine if a program meets those criteria;

(3) The content of the examination specified in division (B)(6) of section 935.05 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on

topics that include proper diet, health care, exercise needs, and housing of the species of dangerous wild animal or animals that are the subject of the application.

(4) Procedures and requirements concerning the administration of the examination specified in division (B)(6) of section 935.05 of the Revised Code.

(E) All of the following concerning applications for permits issued under sections 935.09 and 935.10 of the Revised Code:

(1) Any additional information that must be included with a permit application;

(2) The content of the examination specified in division (B)(5) of section 935.08 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, and housing of the species of restricted snake or snakes that are the subject of the application.

(3) Procedures and requirements concerning the administration of the examination specified in division (B)(5) of section 935.08 of the Revised Code.

(F) Both of the following concerning applications for permits issued under section 935.101 of the Revised Code:

(1) Information that must be included in a permit application;

(2) Criteria and procedures for the issuance or denial of a permit.

(G) Standards for the care and well-being of dangerous wild animals that are possessed by the holders of permits issued

under section 935.101 of the Revised Code. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting the rules, the director may consider the standards of care and housing established in rules adopted under division (B) of this section and section 935.12 of the Revised Code.

(H) Procedures and requirements governing the maintenance of records under section 935.15 of the Revised Code;

(I) Standards for signs that are required to be posted and displayed in accordance with section 935.18 of the Revised Code;

(J) The amount of civil penalties that may be assessed under section 935.24 of the Revised Code;

(K) ~~Procedures and requirements governing the distribution of money under division (B)(4) of section 935.25 of the Revised Code from the dangerous and restricted animal fund created in that section;~~

~~(L)~~ Any other provisions necessary to administer and enforce this chapter.

Sec. 935.20. (A) On and after January 1, 2014, the director of agriculture immediately shall cause an investigation to be conducted if the director has reason to believe that one of the following may be occurring:

(1) A dangerous wild animal is possessed by a person who has not been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit under this chapter.

(2) A restricted snake is possessed by a person that has

not been issued a restricted snake possession permit or restricted snake propagation permit under this chapter.

(3) A dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of this chapter or rules.

For purposes of the investigation, the director or the director's designee may order the animal or snake that is the subject of the notification to be quarantined or may order the transfer of the animal or snake to a facility that is on the list maintained by the director under this section. If the director's designee orders the animal or snake to be quarantined or transferred, the designee shall provide a copy of the order to the director.

(B) The director shall attempt to notify the person owning or possessing an animal or snake that has been ordered to be quarantined or transferred under division (A) of this section. The notice shall be delivered in person or by certified mail. The director also may post a copy of a quarantine order at two conspicuous locations on the premises where the animal or snake is quarantined. The director shall maintain a copy of an order issued under this section and evidence that the director attempted to notify the person owning or possessing the animal or snake.

(C) A quarantine or transfer order issued under this section shall contain all of the following:

(1) The name and address of the person owning or possessing the animal or snake, if known;

(2) A description of the quarantined or transferred animal or snake;

(3) A description of the premises affected by the quarantine or transfer;

(4) The reason for the quarantine or transfer;

(5) Any terms and conditions of the quarantine or transfer;

(6) A notice that a person adversely affected by the order may request a hearing to review the order.

(D) A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within thirty days after the order is issued, may request in writing an adjudication in accordance with Chapter 119. of the Revised Code. A request for an adjudication does not stay a quarantine or transfer order.

(E) The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section shall be responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. If such an owner or person is unable to pay for the reasonable costs, the director shall certify the costs to the county auditor to be assessed against any property of the owner or person and thereby made a lien upon it and collected as other taxes. All money from the collection of liens under this division shall be credited in accordance with division (J) of this section.

(F) If the state veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section is infected with

or exposed to a dangerously contagious or infectious disease or is seriously injured, the state veterinarian shall so notify the director. The director may order the animal or snake to be humanely euthanized by a veterinarian if the state veterinarian has indicated that euthanization is medically necessary.

(G) A quarantine or transfer order issued under this section shall remain in effect until one of the following occurs:

(1) The director, after reviewing the results of the investigation conducted under division (A) of this section, issues a written notice of release.

(2) A court of competent jurisdiction orders the quarantine or transfer order to be terminated in a proceeding conducted under division (H) of this section.

(3) A court of competent jurisdiction orders the seizure of the dangerous wild animal or restricted snake in a proceeding conducted under division (H) of this section.

(H) If, after reviewing the results of an investigation concerning a dangerous wild animal or restricted snake conducted under division (A) of this section and after resolution of any proceeding conducted under division (D) of this section, the director determines that a circumstance described in division (A)(1), (2), or (3) of this section is or was occurring, the director shall initiate, in a court of competent jurisdiction, a proceeding for the permanent seizure of the animal or snake, as applicable. If the court affirms the director's determination that a circumstance described in division (A)(1), (2), or (3) of this section is or was occurring, the court shall order the animal or snake seized and shall order the method of disposition

of the animal or snake. The court may order the person owning or possessing the animal or snake to pay all reasonable costs associated with the seizure and, if applicable, the costs associated with the quarantine or transfer of the animal or snake, including the costs of transportation, housing, food, and veterinary care of the animal or snake. If the court does not affirm the director's determination, the court shall order the quarantine or transfer order to be terminated and the animal or snake to be returned to the person owning or possessing it, if applicable.

(I) The director may authorize any of the following to conduct an investigation and order the quarantine or transfer of a dangerous wild animal or restricted snake under division (A) of this section:

(1) Employees of the department of agriculture;

(2) Natural resources law enforcement officers with the consent of the director of natural resources;

(3) Employees of the department of health with the consent of the director of health;

(4) Employees of a board of health with the consent of the board;

(5) Humane society agents appointed under section 1717.06 of the Revised Code with the consent of the humane society;

(6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed;

(7) Law enforcement officers who are state highway patrol

troopers with the consent of the superintendent of the state highway patrol.

(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:

(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code;

(2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund, which is hereby created in each health district, that shall be used exclusively for the administration and enforcement of this chapter and rules;

(3) If the animal or snake was quarantined or transferred by a humane society agent, a special fund, which is hereby created in each county that has a humane society, that shall be used exclusively for the administration and enforcement of this chapter and rules;

(4) If the animal or snake was quarantined or transferred by a law enforcement officer who is not a state highway patrol trooper, the special fund that is created in the political subdivision that employs the law enforcement officer in division (D) of section 935.16 of the Revised Code.

(K) The director shall maintain a list of facilities

inside and outside the state that the director determines are eligible to accept dangerous wild animals and restricted snakes for the purposes of this section.

Sec. 935.24. (A) The attorney general, upon request of the director of agriculture, shall bring an action for injunction against any person who has violated, is violating, or is threatening to violate this chapter or rules. The court of common pleas in which an action for injunction is filed has jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate this chapter or rules.

(B)(1) The director may assess a civil penalty against any person that the director determines is not in compliance with this chapter or rules.

(2) The director shall afford the person an opportunity for an adjudication under Chapter 119. of the Revised Code to challenge the director's determination that the person is not in compliance with this chapter or rules. However, the person may waive the right to an adjudication.

(3) If the opportunity for an adjudication is waived or if, after an adjudication, the director determines that a violation has occurred or is occurring, the director may issue an order and assess a civil penalty in an amount established in rules against the violator. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

(C) Notwithstanding any other section of the Revised Code, money resulting from any action taken under this section shall

be credited to the ~~dangerous and restricted~~ animal and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

Sec. 943.01. As used in this chapter:

(A) "Animals" or "livestock" means horses, mules, and other equidae, cattle, sheep, and goats and other bovidae, swine and other suidae, poultry, alpacas, and llamas~~, and monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status~~.

(B) "Dealer" or "broker" means any person found by the department of agriculture buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of more than two hundred fifty head of cattle, horses, or other equidae or five hundred head of sheep, goats, or other bovidae, swine and other suidae, poultry, alpacas, or llamas~~, or monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status~~ during any one year. "Dealer" or "broker" does not mean any of the following:

(1) Any railroad or other carrier transporting animals either interstate or intrastate;

(2) Any person who by dispersal sale is permanently discontinuing the business of farming, dairying, breeding, raising, or feeding animals;

(3) Any person who sells livestock that has been raised from birth on the premises of the person;

(4) Any person who buys or receives animals for grazing or

feeding purposes at a premises owned or controlled by the person and sells or disposes of the animals after the minimum grazing or feeding period of thirty days;

(5) Any person who places livestock in facilities other than the person's own pursuant to a written agreement for feeding or finishing, provided that the person retains legal and equitable title to the livestock during the term of the agreement.

The exemptions set forth in divisions (B)(1) to (5) of this section are exclusive of those activities requiring licensure under sections 943.01 to 943.18 of the Revised Code, so that a person shall be deemed to be a dealer or broker or subject to divisions (B)(1) to (5) of this section, but shall not be, or be subject to, both. No person who is a licensed dealer or broker and whose license is suspended shall have livestock or animals exempted pursuant to divisions (B)(1) to (5) of this section.

(C) "Employee" means any person employed by a dealer or broker to act in the dealer's or broker's behalf to buy, sell, exchange, negotiate, or solicit sale or resale of animals in the dealer's or broker's name.

(D) "Small dealer" means any person found by the department buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of two hundred fifty head or less of cattle, horses, or other equidae or five hundred head or less of sheep, goats, or other bovidae, swine or other suidae, poultry, alpacas, or llamas~~, or monitored captive deer, captive deer with~~

~~status, or captive deer with certified chronic wasting disease status~~ during any one year.

~~(E) "Captive whitetail deer licensee" means a person who has been issued a license under section 943.03 or 943.031 of the Revised Code and a license under section 1533.71 or 1533.721 of the Revised Code regarding monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status.~~

~~(F) "Chronic wasting disease" has the same meaning as in 9 C.F.R. 55.1.~~

~~(G) "Captive deer with status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that is monitored and tested for disease in accordance with rules, and are privately owned primarily for the purposes of agriculture, propagation, or providing captive deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.~~

~~(H) "Captive deer with certified chronic wasting disease status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that has been monitored and tested for disease in accordance with rules, including tested for chronic wasting disease for at least five consecutive years in accordance with rules, are privately owned primarily for the purposes of agriculture, propagation, or providing deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code, and are certified "with status" in accordance with rules.~~

~~(I) "Monitored captive deer" means whitetail deer that have been legally acquired or their offspring, are tested for~~

~~chronic wasting disease in accordance with rules, and are held in private ownership for agricultural or personal purposes or in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.~~

~~(J) "Rule" means a rule adopted under section 943.24 of the Revised Code.~~

Sec. 943.04. (A) Fees for the initial issuance of any license issued pursuant to sections 943.02, 943.03, and 943.031 of the Revised Code, shall be paid to the department of agriculture.

(B) All annual renewal fees for the licenses shall be paid by the applicant for the renewal of a license on or before the thirty-first day of March of each year to the treasurer of state. Except for license fees for small dealers, the fees ~~shall be based on the number of head of livestock purchased, sold, or exchanged, in this state, whichever is the greatest, during the preceding calendar year. Those fees~~ for dealers or brokers shall be ~~as follows:~~

~~Less than 1,000 head _____ $50.00 per annum;~~

~~For 1,001 to 10,000 head _____ $125.00 per annum;~~

~~For more than 10,000 head _____~~ $250.00 per annum.

In the event a dealer or broker operates more than one place where livestock is purchased, sold, or exchanged, a fee shall be paid for each place, but only the original purchase, sale, or exchange shall be counted in computing the amount of the fee to be paid for each place operated by the dealer or broker. Shipment between yards owned or operated by the dealer or broker shall be exempt.

A late fee of one hundred dollars shall be paid for each dealer or broker license renewal application that is received after the thirty-first day of March each year.

(C)(1) A fee of ~~twenty-five~~ fifty dollars shall be paid by each small dealer.

If a small dealer operates more than one place where livestock is purchased, sold, or exchanged, a fee shall be paid for each place, but only the original purchase, sale, or exchange shall be counted in computing the amount of fee to be paid for each place operated by the small dealer. Shipment between yards owned or operated by the small dealer shall be exempt.

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be paid for each small dealer license renewal application that is received after the thirty-first day of March each year.

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each licensed weigher and each employee that is appointed by a small dealer, dealer, or broker as provided in section 943.02 of the Revised Code.

(E) ~~A fee of ten dollars shall be paid by each licensed weigher.~~

~~(F)~~ All money collected under section 943.03 of the Revised Code and under this section shall be credited to the animal and consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 943.26 of the Revised Code.

Sec. 943.16. All fines imposed and collected under section 943.99 of the Revised Code shall be credited to the animal and consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 943.26 of the Revised Code.

Sec. 943.26. The animal and consumer protection fund is created in the state treasury.~~Notwithstanding section 943.04 of the Revised Code,~~ The fund shall consist of livestock dealer or broker fees and civil penalties collected under this chapter, all money collected through the issuance of licenses ~~to captive whitetail deer licensees under this chapter and all money collected under section 942.04 of the Revised Code shall be credited to the animal and consumer protection fund, which is hereby created in the state treasury~~under Chapter 944. of the Revised Code, and any other money credited to it under the Revised Code. The director of agriculture shall use money in the fund to administer ~~Chapter 942. and sections 943.20 to 943.26 of the Revised Code and rules~~this chapter and Chapters 935., 942., and 944. of the Revised Code and rules adopted under those chapters.—

Sec. 943.27. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is in violation of sections 943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If the director assesses a civil penalty, the director shall do so as follows:

(1) In an amount not exceeding five hundred dollars if, within five years of the violation, the director has not previously assessed a civil penalty against the person under this section;

(2) In an amount not exceeding two thousand five hundred dollars if, within five years of the violation, the director has previously assessed one civil penalty against the person under this section;

(3) In an amount not exceeding ten thousand dollars if, within five years of the violation, the director has previously assessed two or more civil penalties against the person under this section.

(B) Money collected under division (A) of this section shall be deposited in the state treasury to the credit of the animal and consumer protection fund created in section 943.26 of the Revised Code.

Sec. 943.99. ~~(A)~~ Whoever violates section 943.11 of the Revised Code is guilty of a felony of the fifth degree.

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12 to 943.17 of the Revised Code is guilty of a misdemeanor of the first degree.~~

Sec. 944.01. As used in this chapter:

"Captive cervid with certified chronic wasting disease status" means captive cervid that have been legally acquired or their offspring, are part of a herd that has been monitored and tested for disease in accordance with rules, including tested for chronic wasting disease for at least five consecutive years in accordance with rules, are privately owned primarily for the purposes of agriculture, propagation, or providing cervid to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code, and are certified "with status" in accordance with rules.

"Captive cervid with status" means captive cervid that have been legally acquired or their offspring, are part of a herd that is monitored and tested for disease in accordance with rules, and are privately owned primarily for the purposes of agriculture, propagation, or providing captive cervid to a wild

animal hunting preserve licensed under section 1533.721 of the Revised Code.

"Captive cervid facility" means a fenced premise where one or more cervid are housed or kept.

"Captive whitetail cervid licensee" means a person who has been issued a license under section 944.02 of the Revised Code and a license under section 1533.71 or 1533.721 of the Revised Code regarding monitored captive cervid, captive cervid with status, or captive cervid with certified chronic wasting disease status.

"Cervid" means all members of the family Cervidae and their hybrids, including deer, elk, or moose in the genera Odocoileus, Cervus, and Alces, and their hybrids.

"Chronic wasting disease" means a transmissible spongiform encephalopathy of cervids with clinical signs in affected animals that include, but are not limited to, loss of body condition, behavioral changes, excessive salivation, increased drinking and urination, depression, and eventual death.

"Monitored captive cervid" means cervid that have been legally acquired or their offspring, are tested for chronic wasting disease in accordance with rules, and are held in private ownership for agricultural or personal purposes or in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.

"Rule" means a rule adopted under section 944.07 of the Revised Code.

Sec. 944.02. (A) A person that owns or operates a facility that contains one or more cervid shall apply for an annual captive cervid facility license on a form and in a manner

provided by the director of agriculture.

(B)(1) Prior to issuing a license, the director shall inspect the applicant's facility. If, after an initial inspection, the director finds that the facility's premise is in compliance with this chapter and rules adopted under it, the director shall notify the applicant and, upon receipt of the complete application and required license fee, the director shall so issue the license.

(2) However, if after inspection the director finds that a facility is not in compliance with this chapter and rules adopted under it, the director shall deny the license application. An applicant may appeal the denial of the license application in accordance with Chapter 119. of the Revised Code.

(C) A license issued under this section expires annually on the thirty-first day of March each year and, if the director finds that the facility is in compliance with this chapter and rules adopted under it, shall be renewed according to procedures established by the director or prescribed in rules.

(D) The annual license fee for each facility licensed under this section, or a renewal thereof, is fifty dollars. All fees collected under this section shall be deposited into the animal and consumer protection fund created in section 943.26 of the Revised Code.

Sec. ~~943.20~~ 944.03. (A) No person shall operate a captive cervid facility without first obtaining a license in accordance with section 944.02 of the Revised Code.

(B) A person who wishes to own or propagate captive ~~deer~~ cervid with status or captive ~~deer~~ cervid with certified chronic wasting disease status shall obtain a license under section

~~943.03 or 943.031~~ 944.02 of the Revised Code in addition to a captive white-tailed deer propagation license issued under section 1533.71 of the Revised Code.

~~(B)~~ (C) A person who wishes to operate a wild animal hunting preserve as defined in section 1531.01 of the Revised Code on which monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with certified chronic wasting disease status are released and hunted shall obtain a license under section ~~943.03 or 943.031~~ 944.02 of the Revised Code in addition to a wild animal hunting preserve license issued under section 1533.721 of the Revised Code.

Sec. ~~943.21~~ 944.04. (A) A captive whitetail ~~deer~~ cervid licensee shall have monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, and captive ~~deer~~ cervid with certified chronic wasting disease status in the licensee's herd tested for disease in accordance with rules.

(B) A captive whitetail ~~deer~~ cervid licensee shall provide the results of all testing required under this section to the director of agriculture.

Sec. ~~943.22~~ 944.05. The director of agriculture shall take actions that the director determines are necessary to mitigate or eliminate the presence of chronic wasting disease or other disease at a facility owned by a captive whitetail ~~deer~~ cervid licensee regarding monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with certified chronic wasting disease status if the director is notified of a positive result from a test for chronic wasting disease or other disease for a monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with certified chronic wasting disease status at the facility.

Sec. ~~943.23~~ 944.06. (A) A captive whitetail ~~deer~~ cervid licensee shall comply with the requirements established in ~~sections 943.20 to 943.26 of the Revised Code~~ this chapter and in rules. The director of agriculture may suspend or revoke a license issued under ~~section 943.03 or 943.031 of the Revised Code~~ this chapter regarding monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with certified chronic wasting disease status if the licensee fails to comply with those requirements.

(B)(1) The director, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is in violation of section ~~943.20~~ 944.03 of the Revised Code. If the director assesses a civil penalty, the director shall do so as follows:

(a) If, within five years of the violation, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars;

(b) If, within five years of the violation, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding two thousand five hundred dollars;

(c) If, within five years of the violation, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding ten thousand dollars.

(2) Money collected under division (B)(1) of this section shall be deposited in the state treasury to the credit of the

animal and consumer protection fund created in section 943.26 of the Revised Code.

Sec. ~~943.24~~ 944.07. The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(A) Requirements governing health monitoring and disease testing of monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, and captive ~~deer~~ cervid with certified chronic wasting disease status, which testing may include, but is not limited to, testing for chronic wasting disease, brucellosis, and tuberculosis of such ~~deer~~ cervid that are held at a facility licensed under section 1533.71 or 1533.721 of the Revised Code;

(B) Requirements governing captive whitetail ~~deer~~ cervid licensees, including record-keeping requirements related to health monitoring and disease testing of monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, and captive ~~deer~~ cervid with certified chronic wasting disease status;

(C) Requirements and procedures that are necessary to preserve the health, safety, and welfare of monitored captive ~~deer~~cervid, captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with certified chronic wasting disease status;

(D) Requirements and procedures governing the transfer of living game and nonnative wildlife, as defined in section 1531.01 of the Revised Code, from one wild animal hunting preserve licensed under section 1533.721 of the Revised Code to another such wild animal hunting preserve;

(E) Tagging requirements for captive ~~deer~~ cervid with status and captive ~~deer~~ cervid with certified chronic wasting disease status for such ~~deer~~ cervid that are propagated pursuant

to a captive white-tailed deer propagation license issued under section 1533.71 of the Revised Code;

(F) Requirements governing the certification of captive ~~deer~~ cervid with certified chronic wasting disease status;

(G) Any other requirements or procedures that are necessary to administer and enforce ~~sections 943.20 to 943.26 of the Revised Code~~this chapter.

Sec. ~~943.25~~ 944.08. The director of agriculture or the director's authorized representative may enter at reasonable times on the premises of a captive whitetail ~~deer~~ cervid licensee to conduct investigations and inspections or to otherwise execute duties that are necessary for the administration and enforcement of ~~sections 943.20 to 943.26 of the Revised Code~~ this chapter and rules.

Sec. 956.07. (A) A person who is applying for an annual license to operate a high volume breeder or to act as or perform the functions of a dog broker under section 956.04 or 956.05 of the Revised Code, as applicable, shall include with the application for a license a nonrefundable license application fee. The application fees are as follows:

(1) For a high volume breeder:

(a) One hundred fifty dollars if the high volume breeder annually sells at least forty, but not more than sixty puppies to the public;

(b) Two hundred fifty dollars if the high volume breeder annually sells at least sixty-one, but not more than one hundred fifty puppies to the public;

(c) Three hundred fifty dollars if the high volume breeder

annually sells at least one hundred fifty-one, but not more than two hundred fifty puppies to the public;

(d) Five hundred dollars if the high volume breeder annually sells at least two hundred fifty-one, but not more than three hundred fifty puppies to the public;

(e) Seven hundred fifty dollars if the high volume breeder annually sells three hundred fifty-one or more puppies to the public;

(f) If divisions (A)(1)(a) to (e) of this section do not apply, one hundred and fifty dollars if either of the following applies:

(i) The high volume breeder sells five or more adult dogs or puppies to a dog broker or pet store.

(ii) The high volume breeder keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

(2) For a dog broker, five hundred dollars.

(B) Money collected by the director of agriculture from each application fee submitted under this section shall be deposited in the state treasury to the credit of the ~~high volume breeder kennel control license~~ commercial dog breeding fund created in section 956.18 of the Revised Code. The director shall use fifty dollars of the application fee submitted by a high volume breeder under this section or an amount equal to the fee charged for the registration of a kennel under section 955.14 of the Revised Code in the county in which the high

volume breeder is located or will be located, whichever is greater, to reimburse that county. The county auditor shall deposit the transferred money into that county's dog and kennel fund created under section 955.20 of the Revised Code.

Sec. 956.10. (A)(1) At least once annually, the director of agriculture or the director's authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules adopted under that section.

(2) The director or the director's authorized representative shall inspect a boarding kennel when the director or the director's authorized representative has received information that the boarding kennel is breeding dogs and may be subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code.

(B) The director or the director's authorized representative may do any of the following:

(1) Upon receiving a complaint, inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it;

(2) Upon the request of a member of the public, a public official, or an animal shelter for dogs, inspect any facility at which a person is acting as or performing the functions of a dog broker to ensure such compliance;

(3) Upon receiving a complaint, inspect an animal rescue for dogs to ensure compliance with section 956.06 of the Revised

Code and applicable rules adopted under section 956.03 of the Revised Code;

(4) Conduct an inspection under this section during regular business hours without providing notice in advance.

(C) Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the director or the director's authorized representative who is responsible for the inspection in accordance with those rules.

(D) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the appropriate court in the county in which inspection will occur for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it.

(E) No owner or operator of a high volume breeder, person acting as or performing the functions of a dog broker, owner or operator of a boarding kennel, or owner or operator of an animal rescue for dogs shall interfere with an inspection or refuse to allow the director or the director's authorized representative full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a high volume breeder or dog broker, the director may suspend or revoke the breeder's or broker's

license in accordance with this chapter.

(F)(1) The director may enter into a contract or agreement with a veterinarian to conduct inspections under this section. The veterinarian shall be considered the director's authorized representative for the purposes of this section.

(2) A veterinarian with whom the director has entered into a contract or agreement under division (F)(1) of this section may inspect a high volume breeder with whom the veterinarian has established a veterinary-client-patient relationship as described in section 4741.04 of the Revised Code only every other year.

(3) If the director determines that a veterinarian with whom the director has entered into a contract or agreement under division (F)(1) of this section has falsified any information submitted to the director pursuant to an inspection, the director shall inform the veterinary medical licensing board created by Chapter 4741. of the Revised Code of the falsification.

(G)(1) If entry that is authorized by division (D) of this section is refused or if an inspection or investigation is refused, hindered, or thwarted by intimidation or otherwise and if the director, an authorized representative of the director, or the attorney general applies for and obtains a court order or a search warrant under division (D) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted, if found guilty of violating this chapter or rules adopted under it, is liable to the director for all of the following:

(a) The reasonable costs incurred by the director for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the court order or search warrant was issued until the court order or search warrant is executed;

(b) The salary, fringe benefits, and travel expenses of the director, an authorized representative of the director, or the attorney general incurred in obtaining the court order or search warrant; and

(c) Expenses necessarily incurred for the assistance of local law enforcement officers in executing the court order or search warrant.

(2) In the application for a court order or a search warrant, the director, the director's authorized representative, or the attorney general may request and the court, in its order granting the court order or search warrant, may order the owner or operator of the premises, if found guilty of violating this chapter or rules adopted under it, to reimburse the director for any of the costs described in division (G)(1) of this section that the court finds reasonable. From money recovered under this division, the director shall do all of the following:

(a) Reimburse the attorney general for the costs incurred by the attorney general in connection with proceedings for obtaining the court order or search warrant;

(b) Reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the court order or search warrant;

(c) Deposit the remainder in the state treasury to the credit of the ~~high volume breeder kennel control license~~

commercial dog breeding fund created in section 956.18 of the Revised Code.

(H) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or the director's authorized representative.

Sec. 956.13. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under section 956.03 of the Revised Code.

(B) A person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

Each day that a violation continues constitutes a separate violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the ~~high volume breeder kennel control license~~ commercial dog breeding fund created under section 956.18 of the Revised Code.

Sec. 956.16. The director of agriculture, the director's

authorized representative, or the attorney general may require the attendance of witnesses and the production of books, records, papers, and dogs that are needed either by the director or the attorney general or by any party to a hearing before the director and for that purpose may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, papers, or dogs. The subpoena shall be served by personal service or by certified mail. If the subpoena is returned because of inability to deliver, or if no return is received within thirty days after the date of mailing, the subpoena may be served by ordinary mail. If no return of ordinary mail is received within thirty days after the date of mailing, service shall be deemed to have been made. If the subpoena is returned because of inability to deliver, the director or the attorney general may designate a person or persons to effect either personal or residence service on the witness. The person designated to effect personal or residence service under this section may be the sheriff of the county in which the witness resides or may be found or any other duly designated person. The fees and mileage of the person serving the subpoena shall be the same as those allowed by the courts of common pleas in criminal cases and shall be paid from the funds of the department of agriculture. Fees and mileage for the witness shall be the same as those allowed for witnesses by the courts of common pleas in criminal cases and, upon request of the witness following the hearing, shall be paid from the money in the ~~high volume breeder kennel control license~~ commercial dog breeding fund created in section 956.18 of the Revised Code.

Sec. 956.18. (A) All money collected by the director of agriculture from ~~late renewal fees under section 956.06, license fees under section 956.07, and civil penalties assessed under~~

~~section 956.13 of the Revised Code~~ fees and civil penalties under this chapter shall be deposited in the state treasury to the credit of the ~~high volume breeder kennel control license~~ commercial dog breeding fund, which is hereby created. The fund shall also consist of money appropriated to it.

(B) The director shall use the money in the fund for the purpose of administering ~~sections 956.01 to 956.18 of the Revised Code~~ this chapter and rules adopted under ~~section 956.03 of the Revised Code that apply to those sections~~ it.

Sec. 956.21. (A) The director of agriculture may issue a pet store license to an owner or operator of a pet store when the owner or operator does all of the following:

(1) Applies for a license in accordance with this section and rules adopted under section 956.03 of the Revised Code;

(2) Affirms in writing that the owner or operator will maintain compliance with the applicable requirements established under section 959.20 of the Revised Code;

(3) Submits with the application for a pet store license a fee of five hundred dollars.

(B) The director of agriculture may deny, suspend, or revoke a license issued under this section for a violation of division (A), (B), or (C) of section 956.20 of the Revised Code or rules adopted under section 956.03 of the Revised Code. The denial, suspension, or revocation of a license is not effective until the licensee is given written notice of the violation, a reasonable amount of time to correct the violation, if possible, and an opportunity for a hearing.

The director also may refuse to issue a license under division (B) of this section if the applicant has violated

division (A), (B), or (C) of section 956.20 of the Revised Code or the rules adopted under section 956.03 of the Revised Code during the thirty-six-month period prior to submitting an application for the license.

(C) Any license issued under this section is valid for a period of one year from the date of issuance. A pet store license must be renewed annually in the manner provided in rules adopted under section 956.03 of the Revised Code.

(D) Money collected by the director of agriculture from each application fee submitted under this section shall be deposited in the state treasury to the credit of the ~~pet store license~~ commercial dog breeding fund created in section ~~956.181~~ 956.18 of the Revised Code.

(E) No owner, operator, or manager of a pet store shall negligently display, offer for sale, deliver, barter, auction, broker, give away, transfer, or sell any live dog from a pet store in this state unless a license has been issued for the pet store by the director of agriculture in accordance with this section and rules adopted under section 956.03 of the Revised Code.

Sec. 956.22. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating division (A), (B), or (C) of section 956.20 of the Revised Code or division (E) of section 956.21 of the Revised Code.

(B) The person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more

than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the ~~pet store license~~ commercial dog breeding fund created under section ~~956.181~~ 956.18 of the Revised Code.

Sec. 956.23. The regulation of pet stores is a matter of general statewide interest that requires statewide regulation. Sections ~~956.181~~ 956.19 to 956.23 of the Revised Code and section 956.99 of the Revised Code constitute a comprehensive plan with respect to all aspects of the regulation of pet stores. Accordingly, it is the intent of the general assembly to preempt any local ordinance, resolution, or other law adopted to regulate the sale, delivery, barter, auction, broker, or transfer of a dog to a person from a pet store.

Sec. 993.01. As used in this chapter:

(A) "Amusement ride" means any mechanical, aquatic, or inflatable device, or combination of those devices that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of providing amusement, pleasure, or excitement. "Amusement ride" includes carnival rides, bungee jumping facilities, and fair rides, but does not include passenger tramways as defined in section 4169.01 of the Revised Code, manufactured rock climbing walls in climbing facilities regulated under Chapter 4175. of the Revised Code, or amusement rides operated solely at trade shows for a limited period of time. For purposes of this division, "trade show" means a place

of exhibition not open to the general public where amusement ride manufacturers display, promote, operate, and sell amusement rides to prospective purchasers.

(B) "Temporary amusement ride" means an amusement ride that is relocated at least once per year with or without disassembly.

(C) "Permanent amusement ride" means an amusement ride that is erected to remain a lasting part of the premises.

(D) "Owner" means any person who owns or leases and controls or manages the operation of an amusement ride, and includes individuals, partnerships, corporations, both profit and nonprofit, and the state and any of its political subdivisions and their departments or agencies.

(E) "Operation" means the use or operation, or both, of an amusement ride with riders.

(F) "Rider" means any person who sits, stands, or is otherwise conveyed or carried as a passenger on an amusement ride, but does not include employees or agents of the owner of the amusement ride.

(G) "Amusement ride operator" means any person causing the amusement ride to go, stop, or perform its function.

(H) "Reassembly" means the installation, erection, or reconstruction of the main mechanical, safety, electrical, or electronic components of an amusement ride following transportation or storage and prior to operation. Replacement of mechanical, safety, electrical, or electronic components of an amusement ride for the purpose of repair or maintenance is not reassembly.

(I) "Repair" means to restore an amusement ride to a condition equal to or better than original design specifications.

(J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability.

(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection.

(L) "Accident" means an occurrence during the operation of an amusement ride that results in death or injury requiring immediate hospital admission.

(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician.

(N) "First aid" means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, and contusions or a diagnostic procedure, including examinations and x-rays, that does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

(O) "Advisory council" means the advisory council on amusement ride safety created by section 993.02 of the Revised Code.

(P) "Safe operation" means, except as provided in section 993.10 of the Revised Code, the practical application of maintenance, inspection, and operational processes, as indicated by the manufacturer, owner, or advisory council, that secures a rider from threat of physical danger, harm, or loss.

(Q) "Private facility" means any facility that is accessible only to members of the facility and not accessible to the general public, even upon payment of a fee or charge, and that requires approval for membership by a membership committee representing the current members who have a policy requiring monetary payment to belong to the facility.

(R) "Bungee jumping" means a fall or jump from a height by an individual who is attached to an elastic cord that prevents the individual from hitting the ground, water, or other solid, semi-solid, liquid, or elastic surface.

(S) "Bungee jumping facility" means a device or structure utilized for bungee jumping.

(T) ~~"Kiddie ride" means an amusement ride designed for use by children under thirteen years of age who are unaccompanied by another person. "Kiddie ride" includes a roller coaster that is not more than forty feet in elevation at any point on the ride.~~

~~(U)~~ "Climbing facility" has the same meaning as in section 4175.01 of the Revised Code.

Sec. 993.04. (A)(1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A)(2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it

receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section 993.08 of the Revised Code, the director shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 993.06 of the Revised Code is on file with the department.

(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for both of the following:

(a) A schedule of fines, with no fine exceeding five thousand dollars, for violations of this chapter or any rules adopted under this division;

(b) The classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. The classification of amusement rides must identify those rides that need more comprehensive inspection and testing in addition to regular state inspections, taking into account hidden components integral to the safety of the ride.

(2)(a) Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and shall be based upon generally accepted engineering standards and practices. The rules shall establish a minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid. The rules also shall require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides.

(b) In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities.

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American society for testing and materials (ASTM) international regarding amusement ride safety standards and any other equivalent national standard:

(i) ASTM F1193-18;

(ii) ASTM F770-18;

(iii) ASTM F2291-18.

(d) Insofar as is practicable and consistent with this chapter, rules adopted under this division shall be consistent with the rules of other states.

(3) The department shall cause this chapter and the rules adopted in accordance with this division and division (B) of section 993.08 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement ride safety, may waive or modify the application of a rule to any amusement ride if the public safety is secure. Any authorization by the director under this division shall be in writing and shall set forth the conditions under which the waiver or modification is authorized, and the department shall retain separate records of all proceedings under this division.

(D)(1) The director shall employ and provide for training of a chief inspector and additional inspectors and employees as may be necessary to administer and enforce this chapter. The director may appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet

the qualifications for inspectors established by rules adopted under division (B) of this section and are not owners, or employees of owners, of any amusement ride subject to inspection under this chapter. When employing a new chief inspector or an additional inspector after November 6, 2019, the director shall give preference to the following:

(a) An individual holding a level one or higher inspector certification from either the national association of amusement ride safety officials (NAARSO), the amusement industry manufacturers and suppliers (AIMS) international, or another substantially equivalent organization as determined by the director; and

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on

amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

	1	2
A	Permit, non-inflatable ride	$225
B	Permit, inflatable ride	$100
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	$100
E	Family rides	$200
F	Major rides	$300
G	Spectacular rides	$400
H	Family/portable roller coasters	$1,200
I	Tower rides	$1,800
J	~~Roller coaster~~Large roller coasters	~~$1,200~~ $4,000

K	~~Aerial lifts or bungee jumping facilities~~	~~$450~~
L	Go karts, per kart	$5
M	Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same owner	$100 per inflatable ride
N	Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner	$75 per inflatable ride
O	Inflatable rides, eleven or more that are inspected at the same time at the same location and that are owned by the same owner	$50 per inflatable ride
P	~~Other rides~~	~~$160~~
Q	Midseason operational inspection per ride	$25
R	Expedited inspection per ride	$100
S	Failure to cancel scheduled inspection per ride	$100
T	Failure to have amusement ride ready for inspection per ride	$100

The go kart inspection fee is in addition to the inspection fee for the go kart track.

~~The director shall adopt rules in accordance with Chapter~~

~~119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.~~

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts.

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section.

(2) All fees and fines collected by the department under this chapter shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing section 1711.11 of the Revised Code and this chapter.

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection is required by division (B)(2) of this section or rules adopted under that division, if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of

section 993.07 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define ~~"roller coaster," "aerial lifts,"~~"inflatable ride," "go karts," ~~and "other rides"~~ "kiddie ride," "family ride," "major ride," "spectacular ride," "family/portable roller coaster," "tower ride," and "large roller coaster" for purposes of determining the fees under division (E) of this section. ~~The rules shall define "other rides" to include go kart tracks.~~

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, if the chief inspector determines reinspection is necessary in accordance with section 993.042 of the Revised Code, or if the reinspection is required by division (F) of section 993.07 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 993.07 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under this chapter or rules adopted under it, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection unless the supplemental inspection is being conducted pursuant to division (B)(2) of this section or rules adopted

under that division. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to this chapter. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

Sec. 1311.252. (A) Prior to the performance of any labor or work or the furnishing of any materials in furtherance of a public improvement, the public authority shall prepare a notice of commencement in substantially the form specified in division (B) of this section which shall be made readily available to the public upon request.

(B) The notice of commencement required under division (A) of this section shall contain ~~in affidavit form~~ all of the following information:

(1) The name, location, and a number, if any, used by the public authority to identify the public improvement sufficient to permit the public improvement to be identified;

(2) The name and address of the public authority;

(3) The name, address, and trade of all principal contractors;

(4) The date the public authority first executed a contract with a principal contractor for the public improvement;

(5) The name and address of the sureties for all principal contractors;

(6) The name and address of the representative of the public authority upon whom service shall be made for the purposes of serving an affidavit pursuant to section 1311.26 of the Revised Code.

(C) If the notice of commencement is not made available to the public prior to the commencement of work on the public improvement or if the notice of commencement furnished by the public authority contains incorrect information which the claimant relies upon to ~~his~~ the claimant's detriment, the unavailability of the notice or the incorrect notice shall not adversely affect the rights of any claimant under sections 1311.25 to 1311.32 of the Revised Code.

Sec. 1321.21. All fees, charges, penalties, and forfeitures collected under Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the superintendent into the state treasury to the credit of the consumer finance fund, which is hereby created. The fund may be expended or obligated by the superintendent for the defrayment of the costs of administration of Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections

1349.25 to 1349.37 of the Revised Code by the division of financial institutions. All actual and necessary expenses incurred by the superintendent, including any services rendered by the department of commerce for the division's administration of Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code, shall be paid from the fund. The fund shall be assessed a proportionate share of the administrative costs of the department and the division. The proportionate share of the administrative costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent. Such assessment shall be paid from the consumer finance fund to the division of administration fund or the financial institutions fund.

~~Periodically, in accordance with a schedule the director establishes by rule, but at least once every three months, the director of budget and management shall transfer five per cent of all charges, penalties, and forfeitures received into the consumer finance fund to the financial literacy education fund created under section 121.085 of the Revised Code.~~

Sec. 1347.08. (A) Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal information in the system, shall:

(1) Inform the person of the existence of any personal information in the system of which the person is the subject;

(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of

which the person is the subject;

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless one of the following determines for the agency that the disclosure of the information is likely to have an adverse effect on the person: a physician, including such a person who specializes as a psychiatrist; an advanced practice registered nurse, including such a person who specializes as a psychiatric-mental health nurse practitioner or psychiatric clinical nurse specialist; or a psychologist. If such a determination is made, the information shall be released to one of the following who is designated by the person or by the person's legal guardian: a physician, including such a person who specializes as a psychiatrist; an advanced practice registered nurse, including such a person who specializes as a psychiatric-mental health nurse practitioner or psychiatric clinical nurse specialist; or a psychologist.

(2) Upon the signed written request of a licensed attorney at law, a licensed physician, or an advanced practice registered nurse designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to

the designated attorney, physician, or advanced practice registered nurse as provided in division (C) of section 5120.21 of the Revised Code.

(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency.

(E)(1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section.

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

(F) This section does not apply to any of the following:

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of ~~job and family services~~ children and youth or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department of job and family services or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;

(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;

(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator

that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;

(10) Information contained in a database established and maintained pursuant to section ~~5101.13~~ 5180.40 of the Revised Code;

(11) Information contained in a database established and maintained pursuant to section 5101.631 of the Revised Code.

Sec. 1501.47. The program support fund is created in the state treasury. The fund shall consist of payments from divisions within the department of natural resources and any other payments received by the department related to the purposes of the fund. The director of natural resources shall use the money in the fund to support centralized service support offices of the department.

Sec. 1509.03. (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a permit with respect to a well and production facilities of a well that are located within an urbanized area or with respect to a horizontal well and production facilities associated with a horizontal well. The subjects shall include all of the following:

(1) Safety concerning the drilling or operation of a well;

(2) Protection of the public and private water supply,

including the amount of water used and the source or sources of the water;

(3) Fencing and screening of surface facilities of a well;

(4) Containment and disposal of drilling and production wastes;

(5) Construction of access roads for purposes of the drilling and operation of a well;

(6) Noise mitigation for purposes of the drilling of a well and the operation of a well, excluding safety and maintenance operations.

No person shall violate any rule of the chief adopted under this chapter.

~~(B)(1) Any order issuing, denying, or modifying a permit or notices required to be made by the chief pursuant to this chapter shall be made in compliance with Chapter 119. of the Revised Code, except that personal service may be used in lieu of service by mail. Every order issuing, denying, or modifying a permit under this chapter and described as such shall be considered an adjudication order for purposes of Chapter 119. of the Revised Code. Division (B)(1) of this section does not apply to a permit issued under section 1509.06 of the Revised Code~~(B) Chapter 119. of the Revised Code does not apply to orders made by the chief or notices required to be made by the chief pursuant to this chapter or rules adopted under it. Pursuant to division (A) of this section, the chief shall adopt rules that do both of the following:

(1) Establish procedures for notice required to be provided to any person under this chapter and rules adopted under it;

(2) ~~Where notice to any person is required by this chapter, the notice shall be given in order to meet the requirements of law~~ Establish procedures for serving the chief's orders and compliance notices.

(C) The chief or the chief's authorized representative may at any time enter upon lands, public or private, for the purpose of administration or enforcement of this chapter, the rules adopted or orders made thereunder, or terms or conditions of permits or registration certificates issued thereunder and may examine and copy records pertaining to the drilling, conversion, or operation of a well for injection of fluids and logs required by division (C) of section 1509.223 of the Revised Code. No person shall prevent or hinder the chief or the chief's authorized representative in the performance of official duties. If entry is prevented or hindered, the chief or the chief's authorized representative may apply for, and the court of common pleas may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

(D) The chief may issue orders to enforce this chapter, rules adopted thereunder, and terms or conditions of permits issued thereunder. ~~Any such order shall be considered an adjudication order for the purposes of Chapter 119. of the Revised Code.~~ No person shall violate any order of the chief issued under this chapter. No person shall violate a term or condition of a permit or registration certificate issued under this chapter.

(E) Orders of the chief denying, suspending, or revoking a registration certificate; approving or denying approval of an application for revision of a registered transporter's plan for

disposal; or to implement, administer, or enforce division (A) of section 1509.224 and sections 1509.22, 1509.222, 1509.223, 1509.225, and 1509.226 of the Revised Code pertaining to the transportation of brine by vehicle and the disposal of brine so transported are not adjudication orders for purposes of Chapter 119. of the Revised Code. The chief shall issue such orders under division (A) or (B) of section 1509.224 of the Revised Code, as appropriate.

Sec. 1509.221. (A) No person, without first having obtained a permit from the chief of the division of oil and gas resources management, shall drill a well or inject a substance into a well for the exploration for or extraction of minerals or energy, other than oil or natural gas, including, but not limited to, the mining of sulfur by the Frasch process, the solution mining of minerals, the in situ combustion of fossil fuel, or the recovery of geothermal energy to produce electric power, unless a rule of the chief expressly authorizes the activity without a permit. The permit shall be in addition to any permit required by section 1509.05 of the Revised Code. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code governing the issuance of permits under this section. The rules shall include provisions regarding the matters the applicant for a permit shall demonstrate to establish eligibility for a permit; the form and content of applications for permits; the terms and conditions of permits; entry to conduct inspections and to examine and copy records to ascertain compliance with this section and rules, orders, and terms and conditions of permits adopted or issued thereunder; provision and maintenance of information through monitoring, recordkeeping, and reporting; and other provisions in furtherance of the goals of this section and the Safe Drinking

Water Act. To implement the goals of the Safe Drinking Water Act, the chief shall not issue a permit under this section, unless the chief concludes that the applicant has demonstrated that the drilling, injection of a substance, and extraction of minerals or energy will not result in the presence of any contaminant in underground water that supplies or can reasonably be expected to supply any public water system, such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons. The chief may issue, without a prior ~~adjudication~~ hearing, orders requiring compliance with this section and rules, orders, and terms and conditions of permits adopted or issued thereunder. This section and rules, orders, and terms and conditions of permits adopted or issued thereunder shall be construed to be no more stringent than required for compliance with the Safe Drinking Water Act, unless essential to ensure that underground sources of drinking water will not be endangered.

(B) In an action under section 1509.04 or 1509.33 of the Revised Code to enforce this section, the court shall grant preliminary and permanent injunctive relief and impose a civil penalty upon the showing that the person against whom the action is brought has violated, is violating, or will violate this section or rules, orders, or terms or conditions of permits adopted or issued thereunder. The court shall not require, prior to granting such preliminary and permanent injunctive relief or imposing a civil penalty, proof that the violation was, is, or will be the result of intentional conduct or negligence. In any such action, any person may intervene as a plaintiff upon the demonstration that the person has an interest that is or may be adversely affected by the activity for which injunctive relief

or a civil penalty is sought.

Sec. 1509.36. Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or modifying the order.

The person so appealing to the commission shall be known as appellant and the chief shall be known as appellee. Appellant and appellee shall be deemed to be parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the commission within thirty days after the date upon which the person to whom the order was issued received the order and, for all other persons adversely affected by the order, within thirty days after the date of the order complained of. Notice of the filing of the appeal shall be filed with the chief within three days after the appeal is filed with the commission.

Upon the filing of the appeal the commission promptly shall fix the time and place at which the hearing on the appeal will be held, and shall give the appellant and the chief at least ten days' written notice thereof by mail. The commission may postpone or continue any hearing upon its own motion or upon application of the appellant or of the chief.

The filing of an appeal provided for in this section does not automatically suspend or stay execution of the order appealed from, but upon application by the appellant the commission may suspend or stay the execution pending determination of the appeal upon such terms as the commission considers proper.

Either party to the appeal or any interested person who, pursuant to commission rules has been granted permission to appear, may submit such evidence as the commission considers admissible.

For the purpose of conducting a hearing on an appeal, the commission may require the attendance of witnesses and the production of books, records, and papers, and it may, and at the request of any party it shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records, or papers, directed to the sheriffs of the counties where the witnesses are found. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Such fees and mileage expenses incurred at the request of appellant shall be paid in advance by the appellant, and the remainder of those expenses shall be paid out of funds appropriated for the expenses of the division of oil and gas resources management.

In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission or any member thereof, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and any member of the commission may administer oaths or affirmations to

persons who so testify.

At the request of any party to the appeal, a record of the testimony and other evidence submitted shall be taken by an official court reporter at the expense of the party making the request for the record. The record shall include all of the testimony and other evidence and the rulings on the admissibility thereof presented at the hearing. The commission shall pass upon the admissibility of evidence, but any party may at the time object to the admission of any evidence and except to the rulings of the commission thereon, and if the commission refuses to admit evidence the party offering same may make a proffer thereof, and such proffer shall be made a part of the record of the hearing.

If upon completion of the hearing the commission finds that the order appealed from was lawful and reasonable, it shall make a written order affirming the order appealed from; if the commission finds that the order was unreasonable or unlawful, it shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the commission shall contain a written finding by the commission of the facts upon which the order is based.

Notice of the making of the order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by certified mail.

The order of the commission is final unless vacated by the court of common pleas of Franklin county in an appeal as provided for in section 1509.37 of the Revised Code. ~~Sections 1509.01 to 1509.37 of the Revised Code, providing for appeals relating to orders by the chief or by the commission, or relating to rules adopted by the chief, do not constitute the~~

~~exclusive procedure that any person who believes the person's rights to be unlawfully affected by those sections or any official action taken thereunder must pursue in order to protect and preserve those rights, nor do those sections constitute a procedure that that person must pursue before that person may lawfully appeal to the courts to protect and preserve those rights.~~

Sec. 1513.371. The long-term abandoned mine reclamation fund is created in the state treasury. The fund shall be administered by the chief of the division of mineral resources management and consist of grants awarded by the United States secretary of the interior from the federal abandoned mine reclamation fund pursuant to the federal "Infrastructure Investment and Jobs Act," Pub. L. No. 177-58. All investment earnings of the fund shall be credited to the fund.

The fund shall be used for abatement of the causes and treatment of the effects of acid mine drainage resulting from coal mine practices, including the following:

(A) The costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems;

(B) The prevention, abatement, and control of subsidence;

(C) The prevention, abatement, and control of coal mine fires.

Sec. 1517.11. (A) There is hereby created in the state treasury the natural areas and preserves fund, which shall consist of moneys transferred into it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system

established in that section.

(B) Moneys in the fund shall be disbursed pursuant to vouchers approved by the director of natural resources for use by the division of natural areas and preserves solely for the following purposes:

~~(A)~~ (1) The acquisition of new or expanded natural areas and nature preserves and scenic river lands;

~~(B)~~ (2) Facility development in natural areas and nature preserves and scenic river lands;

~~(C)~~ (3) Special projects, including, but not limited to, biological inventories, research grants, and the production of interpretive material related to natural areas and nature preserves and scenic river lands;

~~(D)~~ (4) Routine maintenance for health and safety purposes.

(C) Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands.

(D) Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs.

(E) All investment earnings of the fund shall be credited to the fund.

(F) The chief of the division of natural areas and preserves may sell any of the following:

(1) Items related to or that promote Ohio's native plants and animals, unique ecology and geology, and general ecological preservation and conservation such as pins, apparel, stickers,

books, bulletins, maps, publications, calendars, and other educational articles and division branded merchandise;

(2) Items pertaining to Ohio's ecology including native plants and seeds of native plants.

(G) All moneys received under division (F) of this section shall be paid into the state treasury to the credit of the natural areas and preserves fund created under this section.

Sec. 1521.16. (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is

required to register under this division prior to January 1, 1991, but that is not registered prior to that date, and the registration date of any facility whose construction was completed after January 1, 1990, and that is required to register under this division shall be the date on which the registration is received by the chief.

(B) In accordance with division (D) of this section, the chief shall adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section of the newspaper. Any person who owns a facility in the designated ground water stress area that is not registered under division (A) of this section and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources shall register the facility with the chief not later than thirty days after publication of the notice. A person

registering a facility under this division shall do so using a form prescribed by the chief. The form shall include the information specified in division (A) of this section.

~~(C)~~ (C)(1) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule.

(2) Any person who owns a facility registered under division (A) of this section shall pay an annual fee when filing the report under division (C)(1) of this section that is based on the registered withdrawal capacity of the facility in accordance with the following amounts:

(a) For a facility with a registered capacity of one hundred thousand to two hundred forty-nine thousand, nine hundred ninety-nine gallons per day, seventy-five dollars;

(b) For a facility with a registered capacity of two hundred fifty thousand to four hundred ninety-nine thousand, nine hundred ninety-nine gallons per day, one hundred dollars;

(c) For a facility with a registered capacity of five hundred thousand to nine hundred ninety-nine thousand, nine hundred ninety-nine gallons per day, one hundred fifty dollars;

(d) For a facility with a registered capacity of one million to nine million, nine hundred ninety-nine thousand, nine hundred ninety-nine gallons per day, two hundred fifty dollars;

(e) For a facility with a registered capacity of ten million to forty nine million, nine hundred ninety-nine thousand, nine hundred ninety-nine gallons per day, five hundred fifty dollars;

(f) For a facility with a registered capacity of fifty million gallons per day or greater, one thousand fifty dollars.

(3) All fees collected under division (C)(2) of this section shall be credited to the water management fund created in section 1521.22 of the Revised Code.

(D) The chief shall adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code to carry out this section.

(E)(1) No person knowingly shall fail to register a facility or file a report as required under this section.

(2) No person shall file a false registration or report under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code.

Sec. 1521.23. (A) Except as provided in divisions (D) and (E) of this section, no person shall allow a facility that the person owns or operates to withdraw waters of the state in an amount that would result in a new or increased consumptive use of more than an average of two million gallons of water per day in any thirty-day period without first obtaining a permit from the chief of the division of water resources under section 1521.29 of the Revised Code.

(B) Prior to developing a new or increased withdrawal or consumptive use capacity that would facilitate a withdrawal requiring a permit under section 1521.29 of the Revised Code, an owner or operator of a facility shall submit an application for a permit to the chief on a form the chief prescribes. The applicant shall declare and document all of the following in the application:

(1) The facility's current withdrawal capacity per day if

the withdrawal is to occur at a facility already in operation;

(2) The total new or increased daily withdrawal capacity proposed for the facility;

(3) The locations and sources of water proposed to be withdrawn;

(4) The locations of proposed discharges or return flows;

(5) The locations and nature of proposed consumptive uses;

(6) The estimated average annual and monthly volumes and rates of withdrawal;

(7) The estimated average annual and monthly volumes and rates of consumptive use;

(8) The effects the withdrawal is anticipated to have with respect to existing uses of water resources;

(9) A description of other ways the applicant's need for water may be satisfied if the application is denied or modified;

(10) A description of the conservation practices the applicant intends to follow;

(11) All information required under sections 1521.24 to 1521.27 of the Revised Code if the sources of water for the proposed withdrawal are ground water;

(12) Any other information the chief may require by rule.

(C) Each application shall be accompanied by a nonrefundable fee of ~~one~~ five thousand dollars, which shall be credited to the water management fund created under section 1521.22 of the Revised Code.

(D) A major utility facility that is subject to regulation

under Chapter 4906. of the Revised Code, a facility that is subject to regulation under Chapter 1514. of the Revised Code, or a facility that is required to obtain a permit under sections 1522.10 to 1522.30 of the Revised Code need not obtain a permit under section 1521.29 of the Revised Code.

(E) A public water system, as defined in section 6109.01 of the Revised Code, that withdraws waters of the state in an amount that would result in a new or increased consumptive use of more than two million gallons per day need not obtain a permit under section 1521.29 of the Revised Code if one of the following applies:

(1) The public water system was in operation on June 29, 1988, and no substantial changes in the design capacity are proposed for that system.

(2) A public water system that is proposed to be constructed or installed, or an existing system for which changes are proposed, encompasses only water distribution facilities.

Sec. 1522.12. (A) For purposes of the compact, the owner or operator of a facility within the Lake Erie watershed that is not otherwise exempt under section 1522.14 of the Revised Code shall obtain a withdrawal and consumptive use permit from the chief of the division of water resources if the facility meets any of the following threshold criteria:

(1) The facility has a new or increased capacity for withdrawals or consumptive uses from Lake Erie or a recognized navigation channel of at least two and one-half million gallons per day.

(2) Except as provided in division (A)(3) of this section,

the facility has a new or increased capacity for withdrawals or consumptive uses from any river or stream or from ground water in the Lake Erie watershed of at least one million gallons per day.

(3)(a) Except as provided in division (A)(3)(b) of this section, the facility has a new or increased capacity for withdrawals or consumptive uses from any river or stream in the Lake Erie watershed that is a high quality water of at least one hundred thousand gallons per day. Division (A)(3) of this section does not apply to withdrawals and consumptive uses from outstanding state waters that are designated as such by the environmental protection agency due to their exceptional recreational values.

(b) If a river or stream or segment thereof is designated as a high quality water as of September 4, 2012, the threshold established in division (A)(3)(a) of this section applies to the river or stream or segment thereof and the entire watershed upstream of that river, stream, or segment. If a river or stream or segment thereof is designated as a high quality water after September 4, 2012, the threshold established in division (A)(3)(a) of this section applies to the river or stream or segment thereof and the entire watershed upstream of that river, stream, or segment, provided that the director of environmental protection and the director of natural resources, or their designees, jointly determine that the proposed withdrawal or consumptive use would cause the high quality water to lose its designation as a high quality water. If the directors determine that the proposed withdrawal or consumptive use would not cause the high quality water to lose that designation, the threshold established in division (A)(2) of this section applies to the withdrawal or consumptive use at a point beginning one thousand

feet upstream of the upstream end of the designated high quality water segment or at a point beginning two times the length of the river, stream, or segment that has been designated as a high quality water, whichever is greater.

(B) An owner or operator of a facility that is not otherwise exempt under section 1522.14 of the Revised Code and that is subject to a threshold specified in division (A) of this section shall not install or operate the facility or equipment that will result in a new or increased withdrawal or consumptive use of water in the Lake Erie watershed without first obtaining a withdrawal and consumptive use permit.

(C) Permits issued under this section shall be issued only for the amount of withdrawal or consumptive use capacity of a facility that meets or exceeds threshold amounts established in division (A) of this section. A permit shall not be required for the portion of the withdrawal and consumptive use capacity of the facility below that threshold amount.

(D) An applicant for a permit shall submit an application to the chief on a form that the chief prescribes. The applicant shall include with the application all of the following:

(1) The name, address, and telephone number of the applicant and of a contact person for the applicant;

(2) The names, addresses, and other necessary contact information of any other owners and operators of the facility;

(3) A description of all of the following:

(a) The facility's current withdrawal capacity per day if the withdrawal is to occur at a facility already in operation;

(b) The total new or increased daily withdrawal capacity

proposed for the facility;

(c) The locations and sources of water proposed to be withdrawn;

(d) The locations of proposed discharges or return flows;

(e) The locations and nature of proposed consumptive uses and the applicable consumptive use coefficient for the facility;

(f) The estimated average annual and monthly volumes and rates of withdrawal;

(g) The estimated average annual and monthly volumes and rates of consumptive use;

(h) The environmentally sound and economically feasible water conservation measures to be undertaken by the applicant;

(i) Other ways the applicant's need for water may be satisfied if the application is denied or modified;

(4) All information required in sections 1522.121 to 1522.124 of the Revised Code if the source of water for the proposed withdrawal is ground water;

(5) Any other information the chief may require to adequately consider the application;

(6) A nonrefundable application fee of ~~one~~ five thousand dollars, the proceeds of which shall be credited to the water management fund created in section 1521.22 of the Revised Code.

(E) Provided that a facility meets all applicable permit conditions, a permit for the facility is valid until the facility is the subject of facility abandonment. Once every five years, the owner or operator of a facility shall certify to the chief that the facility is in compliance with the permit that

has been issued for the facility.

(F) No person that is required to do so shall fail to apply for and receive a withdrawal and consumptive use permit.

(G) A permit issued under this section shall include terms and conditions restricting the withdrawal and consumptive use by a facility to amounts not exceeding the capacity of the facility.

(H) The chief shall issue or deny a permit not later than ninety days after receipt of a complete application. If applicable, the chief shall comply with the requirements regarding prior notice established in Section 4.6 of the compact. The chief shall issue or deny a permit through issuance of an order. The chief shall issue a permit if all applicable criteria for receiving the permit are met as provided in sections 1522.10 to 1522.30 of the Revised Code and neither of the following applies:

(1) A withdrawal or consumptive use will result in a significant lowering of the water level within an aquifer, the overdrafting of an aquifer, a significant diminution in the amount of water available in existing wells, or the interruption of existing ground water supplies within the geographic area established by the chief pursuant to section 1522.125 of the Revised Code without a suitable replacement water supply source.

(2) A withdrawal or consumptive use would cause irreparable material damage to an aquifer such that the aquifer could no longer yield the amount of water it did before the withdrawal or consumptive use proposed in the application.

(I) If the facility for which a permit has been issued under this section withdraws ground water, the chief may require

the continued monitoring and reporting of water levels in each aquifer via existing wells or new monitoring wells drilled by the permittee.

Sec. 1533.11. (A)(1) Except as provided in this section or section 1533.731 of the Revised Code, no person shall hunt deer on lands of another without first obtaining an annual deer permit. Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual wild turkey permit. A deer or wild turkey permit is valid during the hunting license year in which the permit is purchased. Except as provided in rules adopted under division (B) of section 1533.12 of the Revised Code, each applicant for a deer or wild turkey permit shall pay an annual fee for each permit in accordance with the following schedule:

	1	2
A	Deer permit – resident	$30.00
B	Deer permit – nonresident	~~$74.00~~ $210.00
C	Youth deer permit – resident and nonresident	$15.00
D	Senior deer permit – resident	$11.00
E	Wild turkey permit – resident	$30.00
F	Wild turkey permit – nonresident	$37.00
G	Youth wild turkey permit – resident and nonresident	$15.00
H	Senior wild turkey permit – resident	$11.00

(2) As used in division (A)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.

(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.

(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.

(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's

children of any age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No person shall carry a deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

Sec. 1533.131. The chief of the division of wildlife may sell gift certificates that may be used to obtain ~~hunting and fishing~~ , pay for, or purchase licenses, ~~fur taker, deer, and wild turkey~~ permits, ~~and wetlands habitat~~ stamps, user fees, and conservation-related items provided for under this chapter or Chapter 1531. of the Revised Code. ~~For the purposes of this~~

~~section, the~~ The chief ~~shall~~ may adopt rules in accordance with section 1531.10 of the Revised Code ~~doing~~ necessary to administer this section, including all of the following:

(A) ~~Providing that a gift certificate may be used to obtain a resident or nonresident hunting license under section 1533.10 of the Revised Code, a resident or nonresident fishing license under section 1533.32 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, a deer or wild turkey permit under section 1533.11 of the Revised Code, a wetlands habitat stamp under section 1533.112 of the Revised Code, or a combination of those licenses, permits, and stamps~~Designating which licenses, permits, stamps, user fees, and conservation-related items may be obtained, paid for, or purchased with a gift certificate;

(B) Prescribing the form for the gift certificates;

(C) Authorizing persons who are designated and authorized under section 1533.13 of the Revised Code to sell licenses and permits under this chapter also to sell gift certificates under this section~~;~~

~~(D) Establishing fees for the gift certificates, which shall equal the total of the fee for a resident or nonresident hunting license, a resident or nonresident fishing license, a fur taker permit, a deer or wild turkey permit, a wetlands habitat stamp, or a combination of those licenses, permits, and stamp, as applicable, and the fee established under section 1533.13 of the Revised Code;~~

~~(E) Requiring gift certificates to expire one year after the date of purchase~~.

Nothing in this section or rules adopted under it relieves

an individual who receives a gift certificate for a hunting license from complying with the requirement established under section 1533.10 of the Revised Code to present, when applying for the license, a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief.

Nothing in this section or rules adopted under it relieves an individual who receives a gift certificate for a fur taker permit from complying with the requirements established under section 1533.111 of the Revised Code to present, when applying for the permit, a previously held hunting license or trapping or fur taker permit or evidence of having held such a license or permit in content and manner approved by the chief, a certificate of completion issued upon completion of a trapper education course approved by the chief, or evidence of equivalent training in content and manner approved by the chief.

Sec. 1533.32. (A) Except as provided in this section or division (A)(2) or (C) of section 1533.12 of the Revised Code or as exempted at the discretion of the chief of the division of wildlife, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing

through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

(B)(1) Except as otherwise provided in rules adopted under division (B) of section 1533.12 of the Revised Code, each applicant for a fishing license shall pay a fee for each license in accordance with the following schedule:

1		2
A	Annual fishing license – resident	$24.00
B	Annual fishing license – nonresident that is not a resident of a reciprocal state	~~$49.00~~ $74.00
C	Annual fishing license – nonresident that is a resident of a reciprocal state	$24.00
D	Annual senior fishing license – resident	$9.00
E	Three-day tourist fishing license – nonresident that is not a resident of a reciprocal state	~~$24.00~~ $50.00
F	One-day fishing license - resident	$13.00
G	One-day fishing license - nonresident that is not a resident of a reciprocal state	$26.00
H	One-day fishing license - nonresident that is a resident of a reciprocal state	$13.00

(2) As used in division (B)(1) of this section:

(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code.

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a year from the date of issuance.

(4) Unless otherwise provided by division rule, each multi-year license issued in accordance with section 1533.321 of the Revised Code shall begin on the date of issuance and expire three years, five years, or ten years from the date of issuance, as applicable.

(5) No person shall alter a fishing license or possess a fishing license that has been altered.

(6) No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or any false statement.

(7) A resident of this state who owns land over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the immediate families of the tenants. A resident of any other state who owns land in this state over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, and the spouse and children living with the owner, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught from that water without obtaining a license under this section, provided that the state of residence of the owner allows residents of this state owning real property in

that state, and the spouse and children living with such a property owner, to take frogs and turtles and take or catch fish without a license. If the owner of such land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. In addition, if the owner of such land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles without procuring the required license, provided that a member of the institution or home has an identification card, which shall be carried on that person when fishing.

(8) Every fisher required to be licensed, while fishing or taking or attempting to take frogs or turtles, shall carry the license and exhibit it to any person. Failure to so carry and exhibit the license constitutes an offense under this section.

Sec. 1533.71. (A) Unless otherwise provided in this section or by division rule, any person desiring to engage in the business of raising and selling game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in a wholly enclosed preserve of which the person is the owner or lessee, or

to have game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in captivity, shall submit an application to the division of wildlife for a license to do so. This section does not apply to a person who possesses wild animals under the authority of a license for a wild animal hunting preserve or a commercial bird shooting preserve.

The division, when it appears that the application is made in good faith and the applicant is in compliance with division (B) of this section, if applicable, and upon the payment of the fee for each license, may issue to the applicant any of the following licenses that may be applied for:

(1) "Commercial propagating license" permitting the licensee to propagate game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve the location of which is stated in the license and the application therefor, and to sell the propagated game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, or fur-bearing animals and ship them from the state alive at any time, and permitting the licensee and the licensee's employees to kill the propagated game birds, game quadrupeds except captive white-tailed deer, or fur-bearing animals and sell the carcasses for food subject to sections 1533.71 to 1533.79 of the Revised Code. The fee for such a license is forty dollars per annum.

(2) "Noncommercial propagating license" permitting the licensee to propagate game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, and fur-bearing animals propagated or held in

captivity by authority of a noncommercial propagating license are for the licensee's own use and shall not be sold. The fee for such a license is twenty-five dollars per annum.

(3) "Captive white-tailed deer propagation license" permitting the licensee to propagate captive white-tailed deer, hold the animals in captivity, and sell the animals and carcasses. The fee for such a license is forty dollars. The license is valid until a licensee ceases to hold captive white-tailed deer or the license is revoked, whichever occurs earlier.

(B)(1) A person who wishes to obtain a captive white-tailed deer propagation license, prior to applying for the license, shall construct an authorized enclosure that is surrounded by a fence that is eight feet in height with a minimal deviation not to exceed four per cent, is constructed in a manner that prevents ingress and egress of deer, and is constructed of materials that are approved by the chief of the division of wildlife in consultation with the animal and plant health inspection service in the United States department of agriculture, the department of agriculture, and representatives of the cervid industry in this state.

(2) After constructing an authorized enclosure in accordance with division (B)(1) of this section and division rules, the person may submit an application for a captive white-tailed deer propagation license.

(3) Not later than thirty days after the submission of the application, a representative from the division shall inspect the authorized enclosure to ensure compliance with division (B)(1) of this section and division rules. If the applicant's authorized enclosure is not in compliance with all of the applicable requirements, the representative shall inform the

applicant in writing of the deficiencies not later than ten business days after the inspection. If the applicant corrects the deficiencies, the applicant shall request a reinspection. The reinspection shall be conducted in accordance with this division not later than thirty days after the request for reinspection.

If the applicant's authorized enclosure complies with all of the applicable requirements, the chief shall review the application and shall issue or deny the license. If the chief denies the license, the chief shall return the application to the applicant with an explanation of the reasons for denial. The applicant may correct the deficiencies in the application and submit a revised application. If the applicant corrects the deficiencies, the chief shall issue the license as provided in this section.

(4) Upon receipt of a captive white-tailed deer propagation license, receipt of a license under section ~~943.03 or 943.031~~ 944.02 of the Revised Code, and a demonstration to the chief or the chief's designee that each captive white-tailed deer held by the licensee was legally acquired, the licensee may place all of the licensee's deer in the authorized enclosure. The licensee thereafter shall comply with this chapter and Chapter 1531. of the Revised Code, division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of the Revised Code~~,~~ and rules adopted under ~~section 943.24 of the Revised Code~~it.

(C) The division may inspect a facility to which a captive white-tailed deer propagation license has been issued only at reasonable times and when the inspection is in connection with a criminal investigation.

(D) The chief, with the approval of the director of

agriculture, may suspend or revoke a captive white-tailed deer propagation license issued to a person who also has been issued a valid license under section ~~943.03 or 943.031~~ 944.02 of the Revised Code for the same facility if the person fails to comply with this chapter and Chapter 1531. of the Revised Code, division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of the Revised Code~~,~~ and rules adopted under ~~section 943.24 of the Revised Code~~it.

(E) Except as provided by law, no person shall possess game birds, game quadrupeds, or fur-bearing animals in closed season, provided that municipal or governmental zoological parks are not required to obtain the licenses provided for in this section.

(F) Except for a captive white-tailed deer propagation license, all licenses issued under this section shall expire on the fifteenth day of March of each year.

(G) The chief shall pay all moneys received as fees for the issuance of licenses under this section into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code for the use of the division in the purchase, preservation, and protection of wild animals and for the necessary clerical help and forms required by sections 1533.71 to 1533.79 of the Revised Code.

(H) This section does not authorize the taking or the release for taking of the following:

(1) Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code;

(2) Game or nonnative wildlife, without first obtaining a

wild animal hunting preserve license issued under section 1533.721 of the Revised Code.

(I) A license shall not be issued under this section to raise or sell a dangerous wild animal or restricted snake as defined in section 935.01 of the Revised Code.

Sec. 1533.721. (A) Except as otherwise provided by division rule, no person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve. No person shall operate a wild animal hunting preserve without first obtaining a wild animal hunting preserve license issued by the chief of the division of wildlife under this section.

(B) Application for a wild animal hunting preserve license shall be made on a form prescribed by the chief and shall be accompanied by a license application fee of one thousand dollars. The application shall contain a list of which species of game and nonnative wildlife are to be released for hunting in the preserve and any other information required by the chief.

(C) The chief, upon payment of the application fee, shall issue to the applicant a wild animal hunting preserve license if all of the following conditions are met:

(1) The operation of the wild animal hunting preserve does not conflict with a prior reasonable public interest.

(2) The proposed wild animal hunting preserve meets the requirements established in division (A) of section 1533.731 of the Revised Code.

(3) The applicant is the owner or lessee of the land described in the application and maintains that status as the owner or lessee of the land until the license expires.

(4) The proposed wild animal hunting preserve has been inspected by a representative of the division of wildlife to ensure that all wild deer have been removed from the proposed wild animal hunting preserve before any game or nonnative wildlife are released into the preserve.

(D) Prior to an inspection of a proposed wild animal hunting preserve for purposes of division (C)(4) of this section, an applicant for a wild animal hunting preserve license shall remove all wild deer from the proposed preserve using a method that is approved by the chief. All wild deer that cannot be removed from the proposed wild animal hunting preserve shall be killed, and the applicant shall submit a restitution fee in accordance with section 1531.201 of the Revised Code.

(E) Inspection of a proposed wild animal hunting preserve shall be conducted and approval or disapproval of an initial license for such a preserve shall be made between the first day of January through the last day of March of the year in which the applicant first intends to operate the preserve.

(F) Upon receipt of the initial license for a wild animal hunting preserve, receipt of a license under section ~~943.03 or 943.031~~ 944.02 of the Revised Code, and a demonstration to the chief or the chief's designee that each captive white-tailed deer held by the licensee was legally acquired, the licensee may place all of the licensee's deer in the wild animal hunting preserve. A wild animal hunting preserve licensee holding captive white-tailed deer in the preserve shall comply with this chapter and Chapter 1531. of the Revised Code, division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of the Revised Code~~,~~ and rules adopted under section ~~943.24~~ 944.07 of the Revised Code.

(G)(1) Except as otherwise provided in division (G)(2) of this section, all licenses issued under this section shall expire on the thirtieth day of April of each year. Any license holder wishing to own or operate a wild animal hunting preserve in the year following the expiration of the license shall submit a license renewal form prescribed by the chief and include an annual renewal fee of two hundred dollars.

(2) A license issued under this section for a wild animal hunting preserve in which only captive white-tailed deer are kept does not expire unless the license is revoked by the chief under division (H)(2) of this section.

(H)(1) Except as otherwise provided in division (H)(2) of this section, and in accordance with Chapter 119. of the Revised Code, the chief may suspend or revoke a wild animal hunting preserve license if the chief finds that the license holder has violated or is violating this chapter or Chapter 1531. of the Revised Code or any division rule.

(2) The chief, with the approval of the director of agriculture, may suspend or revoke a wild animal hunting preserve license issued to a person who also has been issued a valid license for that preserve under section ~~943.03 or 943.031~~ 944.02 of the Revised Code if the person fails to comply with this chapter and Chapter 1531. of the Revised Code, division rules, ~~sections 943.20 to 943.26~~ Chapter 944. of the Revised Code, and rules adopted under ~~section 943.24 of the Revised Code~~it.

(I) This section does not authorize the hunting of game birds in a licensed wild animal hunting preserve unless the licensee also possesses a valid commercial bird shooting preserve license issued under section 1533.72 of the Revised

Code for the same land for which the wild animal hunting preserve license was issued.

Sec. 1533.731. (A) No wild animal hunting preserve shall be less than eighty acres in area. Each such preserve shall be in one continuous block of land, except that the block of land may be intersected by highways or roads. No wild animal hunting preserve shall be located within one thousand five hundred feet of another such preserve.

The boundaries of each wild animal hunting preserve shall be clearly defined by posting, at intervals of not more than four hundred feet, with signs prescribed by the division of wildlife. Each wild animal hunting preserve shall be surrounded by a fence at least eight feet in height, with a minimal deviation not to exceed four per cent, that is constructed of a woven wire mesh, or such other enclosure approved by the chief of the division of wildlife.

(B)(1) Except as provided in divisions (B)(2) and (3) of this section, game and nonnative wildlife that have been approved by the chief for such use and that have been legally acquired or propagated under the authority of a propagating license issued under section 1533.71 of the Revised Code or propagated within the confines of a licensed wild animal hunting preserve may be released and hunted within the confines of the licensed wild animal hunting preserve between one-half hour before sunrise and one-half hour after sunset, without regard to sex, bag limit, or open season, by hunters authorized by the holder of the wild animal hunting preserve license to hunt on those lands. The chief shall establish, by rule, the allowable methods of taking game and nonnative wildlife in a wild animal hunting preserve.

(2) No game or nonnative wildlife on the federal endangered species list established in accordance with the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, or the state endangered species list established in rules adopted under section 1531.25 of the Revised Code, no bears native to North America, and no large carnivores of the family Felidae shall be released for hunting or hunted in any wild animal hunting preserve in this state.

(3) No person shall release for hunting or hunt within a wild animal hunting preserve any game or nonnative wildlife not listed in the application for a license for that preserve.

(C) Unless otherwise specified by division rule, all game and nonnative wildlife released on a wild animal hunting preserve shall be identified with a tag that shall bear upon it a symbol identifying the preserve.

(D) No person shall remove living game or nonnative wildlife from a wild animal hunting preserve unless the game or nonnative wildlife are being transferred to another wild animal hunting preserve in accordance with rules adopted by the director of agriculture under section ~~943.24~~ 944.07 of the Revised Code.

(E) The holder of a wild animal hunting preserve license shall keep a record of all animals that have been released into the preserve. The record shall include all of the following:

(1) The date on which each animal was released into the preserve;

(2) The number of each species of animals;

(3) The number of males and females of each species of animals;

(4) The name and address of each person from whom each animal was obtained.

The licensee shall record in a manner specified by the division the name and address of each person that takes any game or nonnative wildlife from the preserve. The licensee shall maintain those records for a period of two years and make them available for inspection by the division at all reasonable times in conjunction with an active criminal investigation.

(F) In addition to complying with the requirements established by division (E) of this section, the holder of a wild animal hunting preserve license who has captive white-tailed deer in the preserve shall keep a record of all known escapes of those deer, deaths of those deer that were not a result of hunting, and laboratory results for testing for chronic wasting disease of those deer that is required by section ~~943.21~~ 944.04 of the Revised Code and rules adopted under section ~~943.24~~ 944.07 of the Revised Code.

(G) For the purposes of division (B) of section 1533.02 of the Revised Code, the owner or operator of a wild animal hunting preserve shall furnish each person who takes any game or nonnative wildlife from the preserve a certificate bearing a description of the animal, the date the animal was taken, and the name of the preserve.

(H) The holder of a wild animal hunting preserve license prominently shall display the license at the place of business that is specified in the license.

(I) The chief shall adopt rules under section 1531.10 of the Revised Code that provide for the safety of the public and for the protection of the game and nonnative wildlife to be

hunted in a wild animal hunting preserve prior to their release in the preserve.

(J) No holder of a wild animal hunting preserve license shall violate this chapter or Chapter 1531. of the Revised Code or any division rule.

(K) This section does not authorize the hunting of game birds in a licensed wild animal hunting preserve unless the licensee also possesses a valid commercial bird shooting preserve license issued under section 1533.72 of the Revised Code for the same land for which the wild animal hunting preserve license was issued.

(L) A person may hunt game and nonnative wildlife in a licensed wild animal hunting preserve without obtaining a hunting license otherwise required by section 1533.10 of the Revised Code or a deer permit otherwise required by section 1533.11 of the Revised Code.

Sec. 1533.77. (A) Each holder of a noncommercial or commercial propagating license issued under section 1533.71 of the Revised Code shall keep the license prominently displayed at the place of business specified in the license, and shall keep accurate written records that shall include the total number of game birds, game quadrupeds, or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, the number that escaped, the number that were released, the number that died, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds, or fur-bearing animals were received as a gift or given as a gift or purchased or sold alive or sold for food, and the date of each transaction. These records shall be kept permanently on the premises stated in the

license, and shall be open for inspection by any authorized representative of the division of wildlife at all reasonable times.

(B) Each holder of a captive white-tailed deer propagation license issued under section 1533.71 of the Revised Code shall maintain all records that are required in rules adopted under section ~~943.24~~ 944.07 of the Revised Code. The records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the department of agriculture at all reasonable times and of the division of wildlife at all reasonable times in conjunction with an active criminal investigation.

(C) The holder of a captive white-tailed deer propagation license shall not knowingly falsify any record or tag that is required in rules adopted under section ~~943.24~~ 944.07 of the Revised Code or in rules adopted under section 1531.10 of the Revised Code.

Sec. 1546.01. As used in this chapter and Chapter 1547. of the Revised Code:

"Canoe" means a paddlecraft that is normally an open, narrow vessel of shallow draft, typically pointed at both ends and propelled by its occupants through the use of paddles while kneeling or sitting on a raised seat, including a flat-backed canoe and a racing canoe.

"Coast guard approved" means bearing an approval number assigned by the United States coast guard.

"Conditional approval" means a personal flotation device approval that has one or more conditions with which the user must comply in order for the device to be considered appropriate

for meeting the requirements for personal flotation devices for the vessel on which it is being used.

"Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

"Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

"E-foil" means a long, narrow, somewhat rounded, mechanically propelled vessel that is inherently buoyant, has no cockpit, is constructed of a flat, or nearly flat, rigid material, utilizing a hydrofoil that is designed to lift the hull above the surface of the water while being operated by a single person in a standing or kneeling position.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

"Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.

"Impoundment" means the reservoir created by a dam or other artificial barrier across a watercourse that causes water

to be stored deeper than and generally beyond the banks of the natural channel of the watercourse during periods of normal flow, but does not include water stored behind rock piles, rock riffle dams, and low channel dams where the depth of water is less than ten feet above the channel bottom and is essentially confined within the banks of the natural channel during periods of normal stream flow.

"Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. An inflatable watercraft propelled by a motor is a powercraft. An inflatable watercraft propelled by a sail is a sailboat. An inflatable watercraft propelled by human muscular effort utilizing a paddle or pole is a paddlecraft. An inflatable watercraft propelled by human muscular effort utilizing an oar with the aid of a fulcrum provided by oarlocks, tholepins, crutches, or similar arrangements is a rowboat.

"In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state.

"Jetboard" means a long, narrow, somewhat rounded, mechanically propelled vessel that is inherently buoyant, has no cockpit, is constructed of a flat, or nearly flat rigid material, and is operated by an individual who is kneeling, standing, or lying on the vessel.

"Kayak" means a paddlecraft that is typically pointed at both ends and is propelled by human muscular effort by one or more seated individuals who use a double-bladed paddle, including an open kayak with an open deck for operator seating,

an enclosed kayak designed to enclose an occupant within a cockpit, a tandem kayak designed for multiple occupants, and a racing kayak.

"Law enforcement vessel" means any vessel used in law enforcement or under the command of a law enforcement officer.

"Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

"Navigable waters" means waters that come under the jurisdiction of the department of the army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.

"No wake" has the same meaning as "idle speed."

"Operator" includes any person who uses, navigates, employs, or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state.

"Owner" includes any person, other than a secured party, who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to use or possess the vessel, including a person entitled to use or possess a vessel subject to a security interest in another person, but does not include a lessee under a lease not intended as a security.

"Paddlecraft" means any type of canoe, kayak, paddleboard, or other vessel powered only by its occupants using a single or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, tholepins, crutches, or similar mechanisms.

"Performance type" means the in-water performance classification of a personal flotation device as determined by the United States coast guard.

"Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

"Personal flotation device" means a United States coast guard approved personal safety device designed to provide buoyancy to support a person in the water.

"Personal watercraft" means a vessel, less than sixteen feet in length, that is propelled by a water-jet pump or other machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.

"Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.

"Racing shell" means a narrow rowboat designed specifically for racing that is propelled across the water by its occupants utilizing two or more oars, including vessels commonly referred to as rowing shells and sculling shells.

"Rowboat" means an open vessel, other than a paddlecraft, that is designed to be rowed and that is propelled by human muscular effort by oars and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel. "Rowboat" includes any vessel conforming to the description of a racing shell ~~and a rowing skull~~ regardless of length or

construction.

"Rules" means rules adopted by the chief of the division of parks and watercraft under this chapter or Chapter 1547. of the Revised Code, unless the context indicates otherwise.

"Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.

A vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method of propulsion is an auxiliary sail.

Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.

"Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

"Throwable personal flotation device" means a device that is intended to be thrown to a person in the water. "Throwable personal flotation device" includes a personal flotation device marked as "Type IV" or "Type V with Type IV performance." "Throwable personal flotation device" does not include a wearable personal flotation device unless it is specifically marked otherwise.

"Towed watersport" means any activity that involves being towed by or riding in the wake of a recreational vessel, including both of the following:

(1) Riding or attempting to ride on one or more water skis, a wakeboard, a surfboard, an inflatable device, or any

other device manufactured or used for the purpose of being towed by a recreational vessel;

(2) Engaging or attempting to engage in barefoot skiing or parasailing.

"Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.

"Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

"Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

"Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.

"Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, any of the following:

(1) A designation that states the device is approved only for use while participating in specific activities;

(2) A designation that states the device is approved only for use by an operator or passenger of specific types of vessels;

(3) A designation that states the device is specifically approved as a substitute for the type of personal flotation device required for use while engaged in certain activities or as an operator or passenger of a vessel.

"Vessel" includes every description of craft, including nondisplacement craft, multimodal craft, and submersibles, being used or capable of being used as a means of transportation on water.

"Visible" means visible on a dark night with clear atmosphere.

"Watercourse" means a substantially natural channel with recognized banks and bottom in which a flow of water occurs, with an average of at least ten feet mean surface water width and at least five miles of length.

"Watercraft" means any of the following when used or capable of being used for transportation on the water:

(1) A vessel operated by machinery either permanently or temporarily affixed;

(2) A sailboat other than a sailboard;

(3) An inflatable, manually propelled vessel that is required by federal law to have a hull identification number meeting the requirements of the United States coast guard;

(4) A canoe, kayak, pedalboat, or rowboat;

(5) Any of the following multimodal craft being operated

on waters in this state:

(a) An amphibious vehicle;

(b) A submersible;

(c) An airboat or hovercraft.

(6) A vessel that has been issued a certificate of documentation with a recreational endorsement under 46 C.F.R. 67.

"Watercraft" does not include ferries as referred to in Chapter 4583. of the Revised Code.

Watercraft subject to section 1547.54 of the Revised Code are divided into five classes as follows:

Class A: Less than sixteen feet in length;

Class 1: At least sixteen feet, but less than twenty-six feet in length;

Class 2: At least twenty-six feet, but less than forty feet in length;

Class 3: At least forty feet, but less than sixty-five feet in length;

Class 4: At least sixty-five feet in length.

"Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business that is used primarily for the selling, displaying, offering for sale, or dealing of vessels. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.

"Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.

"Wearable personal flotation device" means a device that is intended to be worn or otherwise attached to a person's body. "Wearable personal flotation device" includes a personal flotation device marked as "Type I," "Type II," "Type III," "Type V with Type II performance," or "Type V with Type III performance."

Sec. 1546.25. The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas.

Sec. 1546.26. The parks and watercraft holding fund is created in the state treasury. The fund shall consist of money received by the division of parks and watercraft from gift card sales, credit card sales, and sales conducted at field locations.

With regard to gift card sales, the chief of the division of parks and watercraft shall transfer money in the parks and watercraft holding fund to the appropriate fund after gift certificates and gift cards are redeemed.

Sec. 1547.531. (A)(1) Except as provided in division (A)(2) or (B) of this section, no person shall operate or give permission for the operation of any watercraft on the waters in this state unless the watercraft is registered in the name of the current owner in accordance with section 1547.54 of the Revised Code, and the registration is valid and in effect.

(2) On and after January 1, 1999, if a watercraft that is required to be issued a certificate of title under Chapter 1548. of the Revised Code is transferred to a new owner, it need not be registered under section 1547.54 of the Revised Code for sixty days following the date of the transfer, provided that the new owner purchases a temporary watercraft registration under division (A) of this section or holds a bill of sale from a watercraft dealer.

For the purposes of division (A)(2) of this section, a temporary watercraft registration or a bill of sale from a watercraft dealer shall contain at least all of the following information:

(a) The hull identification number or serial number of the watercraft;

(b) The make of the watercraft;

(c) The length of the watercraft;

(d) The type of propulsion, if any;

(e) The state in which the watercraft principally is operated;

(f) The name of the owner;

(g) The address of the owner, including the zip code;

(h) The signature of the owner;

(i) The date of purchase;

(j) A notice to the owner that the temporary watercraft registration expires sixty days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this state solely under the bill of sale beginning sixty days after the date of purchase of the watercraft, as applicable.

(3) A person may purchase a temporary watercraft registration from the chief of the division of parks and watercraft or from an authorized agent designated under section 1547.54 of the Revised Code. The chief shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A)(2)(a) to (i) of this section, the person shall pay one of the applicable fees required under divisions (A)(2)(a) to (g) of section 1547.54 of the Revised Code as provided in that section.

Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the waterways safety fund created in section 1547.75 of the Revised Code.

(4) In addition to the applicable fee required under division (A)(3) of this section, the chief or an authorized agent shall charge an additional writing fee of ~~three~~ five dollars for a temporary watercraft registration that the chief or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional writing fee. When the temporary watercraft registration is issued by the chief, the additional writing fee

shall be deposited to the credit of the waterways safety fund.

(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under section 1547.54 of the Revised Code need not pay the fee required under division (A)(2) of that section for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

(6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under section 1547.54 of the Revised Code, and who is exempt from payment for the registration certificate under division (P) of that section may apply to the chief for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The chief shall refund that amount upon issuance to the person of a registration certificate.

(7) All records of the division of parks and watercraft made or maintained for the purposes of divisions (A)(2) to (8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division.

(8) Pursuant to division (C)(2) of section 1546.04 of the Revised Code, the chief may adopt rules establishing all of the following:

(a) Record-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (A)(2) of

this section;

(b) Procedures and requirements for the refund of fees under division (A)(6) of this section;

(c) Any other procedures and requirements necessary for the administration and enforcement of divisions (A)(2) to (8) of this section.

(B) All of the following watercraft are exempt from registration:

(1) Those that are exempt from numbering by the state under divisions (B) to (G) of section 1547.53 of the Revised Code;

(2) Those that have been issued a commercial documentation by the United States coast guard or its successor and are used exclusively for commercial purposes;

(3) Those that have been documented by the United States coast guard or its successor as temporarily transitting, whose principal use is not on the waters in this state, and that have not been used within this state for more than sixty days.

(C) No person shall operate a watercraft documented by the United States coast guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. part 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation.

(D)(1) For the purposes of this section and section 1547.53 of the Revised Code, a watercraft is principally using

the waters in this state if any of the following applies:

(a) The owner resides in this state and declares that the watercraft principally is using the waters in this state.

(b) The owner resides in another state, but declares that the watercraft principally is using the waters in this state.

(c) The watercraft is registered in another state or documented by the United States coast guard and is used within this state for more than sixty days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this state.

(2) Notwithstanding division (D)(1)(c) of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this state regardless of the number of days that the watercraft is used in this state.

Sec. 1547.54. (A)(1) Except as otherwise provided in section 1547.542 of the Revised Code, the owner of every watercraft requiring registration under this chapter shall file an application for a triennial registration certificate with the chief of the division of parks and watercraft on forms that shall be provided by the chief or by an electronic means approved by the chief. The application shall be signed by the following:

(a) If the watercraft is owned by two persons under joint ownership with right of survivorship established under section 2131.12 of the Revised Code, by both of those persons as owners of the watercraft. The signatures may be done by electronic signature if the owners themselves are renewing the registration and there are no changes in the registration information since

the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually.

(b) If the watercraft is owned by a minor, by the minor and a parent or legal guardian. The signatures may be done by electronic signature if the parent or legal guardian and the minor themselves are renewing the registration and there are no changes in the registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually.

(c) In all other cases, by the owner of the watercraft. The signature may be done by electronic signature if the owner is renewing the registration personally and there are no changes in the registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually.

(2) An application for a triennial registration of a watercraft filed under division (A)(1) of this section shall be accompanied by the following fee:

(a) For canoes, kayaks, rowboats, ~~and~~ inflatable watercraft meeting the definition of paddlecraft, or any other watercraft propelled solely by human muscular effort that are numbered under section 1547.53 of the Revised Code, twelve dollars;

(b) For canoes, kayaks, row boats, ~~and~~ inflatable watercraft meeting the definition of paddlecraft, or any other watercraft propelled solely by human muscular effort that are not numbered under section 1547.53 of the Revised Code, seventeen dollars;

(c) For class A watercraft, including motorized canoes, e-foils, and jetboards, thirty dollars;

(d) For class 1 watercraft, forty-five dollars;

(e) For class 2 watercraft, sixty dollars;

(f) For class 3 watercraft, seventy-five dollars;

(g) For class 4 watercraft, ninety dollars.

(3) For the purpose of registration, any watercraft operated by means of power, sail, or any other mechanical or electrical means of propulsion, except motorized canoes, e-foils, and jetboards, shall be registered by length as prescribed in this section.

(4) If an application for registration is filed by two persons as owners under division (A)(1)(a) of this section, the person who is listed first on the title shall serve as and perform the duties of the "owner" and shall be considered the person "in whose name the watercraft is registered" for purposes of divisions (B) to (R) of this section and for purposes of all other sections in this chapter.

(B) All registration certificates issued under this section are valid for three years and are renewable on a triennial basis unless sooner terminated or discontinued in accordance with this chapter. The renewal date shall be printed on the registration certificate. A registration certificate may be renewed by the owner in the manner prescribed by the chief. All fees shall be charged according to a proration of the time remaining in the registration cycle to the nearest year.

(C) In addition to the fees set forth in this section, the chief, or any authorized agent, shall charge an additional

writing fee of ~~three~~ five dollars for any registration certificate the chief or authorized agent issues. When the registration certificate is issued by an authorized agent, the additional writing fee of ~~three~~ five dollars shall be retained by the issuing agent. When the registration certificate is issued by the chief, the additional writing fee of ~~three~~ five dollars shall be deposited to the credit of the waterways safety fund established in section 1547.75 of the Revised Code.

(D) In addition to the fees established in this section, watercraft that are not powercraft shall be charged a waterways conservation assessment fee of five dollars. The fee shall be collected at the time of the issuance of a triennial watercraft registration under division (A)(2) of this section and deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code.

(E)(1) Upon receipt of the application in approved form, the chief shall enter the same upon the records of the office of the division of parks and watercraft, assign a number to the watercraft if a number is required under section 1547.53 of the Revised Code, and issue to the applicant a registration certificate. If a number is assigned by the chief, it shall be set forth on the certificate. The registration certificate, in physical or digital form, shall be on the watercraft for which it is issued and available at all times for inspection whenever the watercraft is in operation, except that livery operators may retain the registration certificate at the livery where it shall remain available for inspection at all times and except as otherwise provided in division (E)(2) of this section.

(2) A person who is operating on the waters of this state

a canoe, kayak, rowboat, or inflatable watercraft meeting the definition of a paddlecraft that has not been numbered under section 1547.53 of the Revised Code and who is stopped by a law enforcement officer in the enforcement of this chapter or rules shall present to the officer, not later than seventy-two hours after being stopped, a registration certificate, in physical or digital form. The registration certificate shall have been obtained under this section for the canoe, kayak, rowboat, or inflatable watercraft meeting the definition of a paddlecraft prior to the time that it was stopped. Failure of the person to present the registration certificate within seventy-two hours constitutes prima-facie evidence of a violation of this section.

(F) No person shall issue or be issued a registration certificate for a watercraft that is required to be issued a certificate of title under Chapter 1548. of the Revised Code except upon presentation of a certificate of title for the watercraft as provided in that chapter, proof of current documentation by the United States coast guard, a renewal registration form provided by the division of parks and watercraft, or a certificate of registration issued under this section that has expired if there is no change in the ownership or description of the watercraft.

(G) Whenever the ownership of a watercraft changes, a new application form together with the prescribed fee shall be filed with the chief or the chief's agent and a new registration certificate shall be issued. The application shall be signed manually by the person or persons specified in divisions (A)(1)(a) to (c) of this section and shall be accompanied by a two-dollar transfer fee. Any remaining time on the registration shall be transferred. An authorized agent of the chief shall charge an additional writing fee of three dollars, which shall

be retained by the issuing agent. If the certificate is issued by the chief, an additional writing fee of three dollars for each certificate issued shall be collected and deposited to the credit of the waterways safety fund.

(H) If an agency of the United States has in force an overall system of identification numbering for watercraft or certain types of watercraft within the United States, the numbering system employed by the division shall be in conformity with that system.

(I)(1) The chief may assign any registration certificates to any authorized agent for the assignment of the registration certificates. If a person accepts that authorization, the person may be assigned a block of numbers and certificates that upon assignment, in conformity with this chapter and Chapter 1548. of the Revised Code and with rules, shall be valid as if assigned directly by the division. Any person so designated as an agent by the chief shall post with the division security as may be required by the director of natural resources. The chief may issue an order temporarily or permanently restricting or suspending an agent's authorization without a hearing if the chief finds that the agent has violated this chapter or Chapter 1548. of the Revised Code, rules, or any agreements prescribed by the chief.

(2) A clerk of the court of common pleas may apply for designation as an authorized agent of the chief. The division shall accept the clerk's bond that is required under section 2303.02 of the Revised Code for any security that is required for agents under this division, provided that the bond includes a rider or other provision specifically covering the clerk's duties as an authorized agent of the chief.

(J) All records of the division made or kept pursuant to this section shall be public records. Those records shall be available for inspection at reasonable hours and in a manner compatible with normal operations of the division.

(K) The owner shall furnish the division notice within fifteen days of the following:

(1) The transfer, other than through the creation of a security interest in any watercraft, of all or any part of the owner's interest or, if the watercraft is owned by two persons under joint ownership with right of survivorship established under section 2131.12 of the Revised Code, of all or any part of the joint interest of either of the two persons. The transfer shall not terminate the registration certificate.

(2) Any change in the address appearing on the certificate. As a part of the notification, the owner shall furnish the chief with the owner's new address.

(3) The destruction or abandonment of the watercraft.

(L) The chief may issue duplicate registration certificates or duplicate tags to owners of currently registered watercraft, the fee for which shall be four dollars.

(M) If the chief finds that a registration certificate previously issued to an owner is in error to a degree that would impair its basic purpose and use, the chief may issue a corrected certificate to the owner without charge.

(N) No authorized agent shall issue and no person shall receive or accept from an authorized agent a registration certificate assigned to the authorized agent under division (I) of this section unless the exact month, day, and year of issue are plainly written on the certificate by the agent.

Certificates issued with incorrect dates of issue are void from the time they are issued.

(O) The chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the renewal of watercraft registrations by electronic means.

(P) As used in this section:

(1) "Disabled veteran" means a person who is included in either of the following categories:

(a) Because of a service-connected disability, has been or is awarded funds for the purchase of a motor vehicle under the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto;

(b) Has a service-connected disability rated at one hundred per cent by the veterans administration.

(2) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or the republics formerly associated with the Union of Soviet Socialist Republics or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or enlistment, and was captured, separated, and incarcerated by an enemy of this country during World War II.

(Q) Any disabled veteran, congressional medal of honor awardee, or prisoner of war may apply to the chief for a certificate of registration, or for a renewal of the certificate

of registration, without the payment of any fee required by this section. The application for a certificate of registration shall be accompanied by evidence of disability or by documentary evidence in support of a congressional medal of honor that the chief requires by rule. The application for a certificate of registration by any person who has been a prisoner of war shall be accompanied by written evidence in the form of a record of separation, a letter from one of the armed forces of a country listed in division (P)(2) of this section, or other evidence that the chief may require by rule, that the person was honorably discharged or is currently residing in this state on active duty with one of the branches of the armed forces of the United States, or was a prisoner of war and was honorably discharged or received an equivalent discharge or release from one of the armed forces of a country listed in division (P)(2) of this section.

(R) Annually by the fifteenth day of January, the director of natural resources shall determine the amount of fees that would have been collected in the prior calendar year for each certificate of registration issued or renewed pursuant to division (Q) of this section and shall certify the total amount of foregone revenue to the director of budget and management for reimbursement. The director of budget and management shall transfer the amount certified from the general revenue fund to the waterways safety fund.

(S) The fees prescribed in division (A)(2) of this section that accompany an application for a triennial registration of a watercraft on or after January 1, 2027, shall be increased by an amount not to exceed the percentage by which the consumer price index for all urban consumers published by the United States department of labor has changed since January 1, 1994, rounded

to the nearest whole dollar.

Sec. 1548.06. (A)(1) Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of parks and watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(2) If a certificate of title previously has been issued for the watercraft or outboard motor, the application for a certificate of title also shall be accompanied by the certificate of title duly assigned unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the watercraft or outboard motor in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate; by a sworn statement of ownership if the watercraft or outboard motor was purchased by the applicant on or before October 9, 1963, or if the watercraft is less than fourteen feet long with a permanently affixed mechanical means of propulsion and was

purchased by the applicant on or before January 1, 2000; or by a certificate of title, bill of sale, or other evidence of ownership required by the law of another state from which the watercraft or outboard motor was brought into this state. Evidence of ownership of a watercraft or outboard motor for which an Ohio certificate of title previously has not been issued and which watercraft or outboard motor does not have permanently affixed to it a manufacturer's serial number shall be accompanied by the certificate of assignment of a hull identification number assigned by the chief as provided in section 1548.07 of the Revised Code.

(3) The clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued, except that, if an application for a certificate of title is filed electronically, by a vendor on behalf of a purchaser of a watercraft or outboard motor, the clerk shall retain the completed electronic record to which the vendor converted the certificate of title application and other required documents. The chief, after consultation with the attorney general, shall adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of a watercraft or outboard motor when a vendor files the application for a certificate of title electronically on behalf of a purchaser.

(B) The clerk shall use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying it or the electronic record to which a vendor converted the application and accompanying documents with the records of watercraft and outboard motors in the clerk's office. If the clerk is satisfied

that the applicant is the owner of the watercraft or outboard motor and that the application is in the proper form, the clerk shall issue a physical certificate of title over the clerk's signature and sealed with the clerk's seal unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. However, if the evidence indicates and an investigation shows that one or more Ohio titles already exist for the watercraft or outboard motor, the chief may cause the redundant title or titles to be canceled.

(C) In the case of the sale of a watercraft or outboard motor by a vendor to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the vendor upon application signed by the purchaser. In all other cases, the certificate shall be obtained by the purchaser. In all cases of transfer of watercraft or outboard motors, the application for certificate of title shall be filed within thirty days after the later of the date of purchase or assignment of ownership of the watercraft or outboard motor. If the application for certificate of title is not filed within thirty days after the later of the date of purchase or assignment of ownership of the watercraft or outboard motor, the clerk shall charge a late penalty fee of five dollars in addition to the fee prescribed by section 1548.10 of the Revised Code. The clerk shall retain the entire amount of each late penalty fee.

(D) The clerk shall refuse to accept an application for certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the applicant's county of residence less, in the case of a sale by a

vendor, any discount to which the vendor is entitled under section 5739.12 of the Revised Code, or submits any of the following:

(1) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax;

(2) A copy of the unit certificate of exemption completed by the purchaser at the time of sale as provided in section 5739.03 of the Revised Code;

(3) An exemption certificate, in a form prescribed by the tax commissioner, that specifies why the purchase is not subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be in accordance with rules issued by the tax commissioner, and the clerk shall issue a receipt in the form prescribed by the tax commissioner to any applicant who tenders payment of the tax with the application for the certificate of title.

(E)(1) For receiving and disbursing the taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

(2) A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The

chief of the division of parks and watercraft, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

(F) In the case of casual sales of watercraft or outboard motors that are subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code, the purchase price for the purpose of determining the tax shall be the purchase price on an affidavit executed and filed with the clerk by the vendor on a form to be prescribed by the chief, which shall be prima-facie evidence of the price for the determination of the tax. In addition to the information required by section 1548.08 of the Revised Code, each certificate of title shall contain in bold lettering the following notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER). You are required by law to state the true selling price. A false statement is a violation of section 2921.13 of the Revised Code and is punishable by six months imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(G) Each county clerk of courts shall forward to the ~~tax commissioner~~ registrar of motor vehicles, in a manner prescribed by the tax commissioner, all sales and use tax collections resulting from sales of titled watercraft and outboard motors during a calendar week on or before the Friday following the

close of that week. If, on any Friday, the offices of the clerk of courts or the state are not open for business, the tax shall be forwarded to the ~~commissioner~~ registrar on or before the next day on which the offices are open. Every remittance of tax under this division shall be accompanied by a remittance report in such form as the commissioner, in consultation with the director of public safety, prescribes. If the tax due for any week is not remitted by a clerk of courts as required under this division, the clerk shall forfeit the poundage fees for the sales made during that week. The commissioner may require the clerks of courts to transmit tax collections and remittance reports electronically.

(H) For purposes of a transfer of a certificate of title, if the clerk is satisfied that a secured party has discharged a lien but has not canceled the lien notation with a clerk, the clerk may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin.

(I) Every clerk shall have the capability to transact by electronic means all procedures and transactions relating to the issuance of watercraft or outboard motor certificates of title that are described in the Revised Code as being accomplished by electronic means.

Sec. 1561.13. The chief of the division of mineral resources management shall conduct examinations for offices and positions in the division of mineral resources management, and for mine forepersons, mine electricians, ~~shot firers,~~ and surface mine blasters~~, and fire bosses~~, as follows:

(A) Division of mineral resources management:

(1) Deputy mine inspectors of underground mines;

(2) Deputy mine inspectors of surface mines;

(3) Electrical inspectors;

(4) Superintendent of rescue stations;

(5) Assistant superintendents of rescue stations;

(6) Mine chemists at a division laboratory if the chief chooses to operate a laboratory.

(B) Mine forepersons:

(1) Mine foreperson of gaseous mines;

(2) Mine foreperson of nongaseous mines;

(3) Mine foreperson of surface mines.

(C) Forepersons:

(1) Foreperson of gaseous mines;

(2) Foreperson of nongaseous mines;

(3) ~~Foreperson of surface maintenance facilities at underground or surface mines;~~

~~(4)~~ Foreperson of surface mines.

(D) ~~Fire bosses.~~

~~(E)~~ Mine electricians.

~~(F)~~ (E) Surface mine blasters.

~~(G) Shot firers.~~

The chief annually shall provide for the examination of candidates for appointment or promotion as deputy mine inspectors and such other positions and offices set forth in division (A) of this section as are necessary. Special

examinations may be held whenever it becomes necessary to make appointments to any of those positions.

The chief shall provide for the examination of persons seeking certificates of competency as mine forepersons, forepersons, mine electricians, ~~shot firers,~~ and surface mine blasters~~, and fire bosses quarterly or more often~~ as ~~required,~~ needed and at such times and places within the state as shall, in the judgment of the chief, afford the best facilities to the greatest number of applicants. ~~Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which examinations under this section are to be held.~~

The examinations provided for in this section shall be conducted under rules adopted under section 1561.05 of the Revised Code and conditions prescribed by the chief. Any rules that relate to particular candidates shall, upon application of any candidate, be furnished to the candidate by the chief; they shall also be of uniform application to all candidates in the several groups.

Sec. 1561.16. (A) As used in this section and sections 1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual practical experience" means previous employment that involved a person's regular presence in the type of mining operation in which the experience is required to exist; participation in functions relating to the hazards involved in and the utilization of equipment, tools, and work crews and individuals for that type of mining; and regular exposure to the methods, procedures, and safety laws applicable to that type of mining. Credit of up to one year for a portion of the required experience time may be given upon documentation to the chief of

the division of mineral resources management of an educational degree in a field related to mining. Credit of up to two years of the required experience time may be given upon presentation to the chief of proof of graduation from an accredited school of mines or mining after a four-year course of study with employment in the mining industry during interim breaks during the school years.

(B) Except as provided in division (G) of this section, a person who applies for a certificate as a mine foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief; and shall have had practical experience obtained by actual contact with gas in mines and have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines. An applicant for a certificate as a foreperson of gaseous mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief. Each applicant for examination shall pay a fee established in rules adopted under this section to the chief on the first day of such examination.

(C) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of more than two calendar years shall apply for and obtain recertification from the chief in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine. An applicant for recertification shall pay a fee established in rules adopted under this section

at the time of application for recertification.

(D) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of one or more calendar years shall successfully complete a retraining course in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine.

(E) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe requirements, criteria, and procedures for the recertification of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of more than two calendar years;

(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of one or more calendar years;

(3) Establish fees for the examination and recertification of mine forepersons or forepersons of gaseous mines under this section;

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.

(F) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation

and safety fund created in section 1513.30 of the Revised Code.

(G) The chief shall issue a certificate as a foreperson of gaseous mines in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a foreperson of gaseous mines in a state that does not issue that license or certificate.

Sec. 1561.46. Fees received by the chief of the division of mineral resources management under sections 1561.16 to ~~1561.22~~ 1561.20 of the Revised Code shall be paid by the chief into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

Sec. 1561.48. All money collected under sections 1561.14, 1561.16, 1561.17, ~~1561.18,~~ 1561.19, 1561.20, ~~1561.21, 1561.22,~~ 1561.45, and 1561.46 of the Revised Code shall be paid into the state treasury to the credit of the mining regulation and safety fund created by section 1513.30 of the Revised Code. The department of natural resources shall use the money in the fund to pay the operating expenses of the division of mineral resources management.

Sec. 1701.04. (A) Any person, singly or jointly with others, and without regard to residence, domicile, or state of incorporation, may form a corporation by signing and filing with the secretary of state articles of incorporation that shall set forth all of the following:

(1) The name of the corporation, which shall be in

compliance with division (A) of section 1701.05 of the Revised Code;

(2) The place in this state where the principal office of the corporation is to be located;

(3) The authorized number and the par value per share of shares with par value, and the authorized number of shares without par value, except that the articles of a banking, safe deposit, trust, or insurance corporation shall not authorize shares without par value; the express terms, if any, of the shares; and, if the shares are classified, the designation of each class, the authorized number and par value per share, if any, of the shares of each class, and the express terms of the shares of each class;

(4) If the corporation is to have an initial stated capital, the amount of that stated capital.

(B) The articles also may set forth any of the following:

(1) The names of the individuals who are to serve as initial directors;

(2) The purpose or purposes for which the corporation is formed, but in the absence of a statement of the purpose or purposes or except as expressly set forth in such statement, the purpose for which any corporation is formed is to engage in any lawful act or activity for which a corporation may be formed under this chapter, and all lawful acts and activities of the corporation are within the purposes of the corporation;

(3) Any priority or other method for balancing the purposes for which the corporation is formed;

(4) Any lawful provision for the purpose of defining,

limiting, or regulating the exercise of the authority of the corporation, the incorporators, the directors, the officers, the shareholders, or the holders of any class of shares;

(5) Any provision that may be set forth in the regulations;

(6) A provision specifying the period of existence of the corporation if it is to be otherwise than perpetual;

(7) A provision eliminating the right of every shareholder to vote cumulatively in the election of directors;

(8) Any additional provision permitted by this chapter.

(C) A written appointment of a statutory agent for the purposes set forth in section 1701.07 of the Revised Code shall be filed with the articles, unless the corporation belongs to one of the classes mentioned in division ~~(O)~~ (N) of that section.

(D) The legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles that is not more than ninety days after filing, and, unless the articles otherwise provide, its period of existence shall be perpetual.

Sec. 1701.07. (A) Every corporation shall have and maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent shall be one of the following:

(1) A natural person who is a resident of this state;

(2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership

association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is an entity other than a domestic corporation, the agent shall meet the requirements of Title XVII of the Revised Code for an entity of the agent's type to transact business or exercise privileges in this state.

(B) The secretary of state shall not accept original articles for filing unless there is filed with the articles a written appointment of an agent that is signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment that is signed by the agent. In all other cases, the corporation shall appoint the agent and shall file in the office of the secretary of state a written appointment of the agent that is signed by any authorized officer of the corporation and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

(C)(1) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number of the agent's primary residence in this state or, if the agent is not a natural person, the agent's usual place of business in this state, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of corporations, and the names and addresses of their respective agents.

(2) As used in division (C)(1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the

services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(D) If any agent dies, removes from the state, or resigns, the corporation shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the agent.

(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the corporation or the agent shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the corporation's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the corporation within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(G) A corporation may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by

the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by statute to be served upon a corporation may be served upon the corporation by delivering a copy of it to its agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state. If (1) the agent cannot be found, or (2) the agent no longer has that address, or (3) the corporation has failed to maintain an agent as required by this section, and if in any such case the party desiring that the process, notice, or demand be served, or the agent or representative of the party, shall have filed with the secretary of state an affidavit stating that one of the foregoing conditions exists and stating the most recent address of the corporation that the party after diligent search has been able to ascertain, then service of process, notice, or demand upon the secretary of state, as the agent of the corporation, may be initiated by delivering to the secretary of state or at the secretary of state's office quadruplicate copies of such process, notice, or demand and by paying to the secretary of state a fee of five dollars. The secretary of state shall forthwith give notice of the delivery to the corporation at its principal office as shown upon the record in the secretary of state's office and at any different address shown on its last franchise tax report filed in this state, or to the corporation at any different address set forth in the above mentioned affidavit, and shall forward to the corporation at said addresses, by certified mail, with request for return receipt, a copy of the process, notice, or demand; and thereupon service

upon the corporation shall be deemed to have been made.

(I) The secretary of state shall keep a record of each process, notice, and demand delivered to the secretary of state or at the secretary of state's office under this section or any other law of this state that authorizes service upon the secretary of state, and shall record the time of the delivery and the action thereafter with respect thereto.

(J) This section does not limit or affect the right to serve any process, notice, or demand upon a corporation in any other manner permitted by law.

(K) ~~Every corporation shall state in each annual report filed by it with the department of taxation the name and address of its statutory agent.~~

~~(L)~~ Except when an original appointment of an agent is filed with the original articles, a written appointment of an agent or a written statement filed by a corporation with the secretary of state shall be signed by any authorized officer of the corporation or by the incorporators of the corporation or a majority of them if no directors have been elected.

~~(M)~~ (L) For filing a written appointment of an agent other than one filed with original articles, and for filing a statement of change of address of an agent, the secretary of state shall charge and collect the fee specified in division (R) of section 111.16 of the Revised Code.

~~(N)~~ (M) Upon the failure of a corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by ordinary or electronic mail to the corporation at the electronic mail address provided to the secretary of state, or at the

address set forth in the notice of resignation or on the last franchise tax return filed in this state by the corporation. Unless the default is cured within thirty days after the mailing by the secretary of state of the notice or within any further period of time that the secretary of state grants, upon the expiration of that period of time from the date of the mailing, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be reinstated by filing, within two years of the cancellation, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying the filing fee specified in division (Q) of section 111.16 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall furnish the tax commissioner a monthly list of all corporations canceled and reinstated under this division.

~~(O)~~ (N) This section does not apply to banks, trust companies, insurance companies, or any corporation defined under the laws of this state as a public utility for taxation purposes.

Sec. 1703.041. (A) Every foreign corporation for profit that is licensed to transact business in this state, and every foreign nonprofit corporation that is licensed to exercise its privileges in this state, shall have and maintain an agent, sometimes referred to as the "designated agent," upon whom

process against the corporation may be served within this state. The agent shall be one of the following:

(1) A natural person who is a resident of this state;

(2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is an entity other than a domestic corporation, the agent shall meet the requirements of Title XVII of the Revised Code for an entity of the agent's type to transact business or exercise privileges in this state.

(B)(1) The written appointment of a designated agent shall set forth the name and address of the agent, including the street and number of the agent's primary residence in this state or, if the agent is not a natural person, the agent's usual place of business in this state, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of such foreign corporations and the names and addresses of their respective agents.

(2) As used in division (B)(1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(G) Process may be served upon a foreign corporation by delivering a copy of it to its designated agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state.

(H) This section does not limit or affect the right to serve process upon a foreign corporation in any other manner permitted by law.

~~(I) Every foreign corporation for profit shall state in each annual report filed by it with the department of taxation the name and address of its designated agent in this state.~~

Sec. 1707.36. (A) There is hereby created in the division of securities a position to be known as attorney-inspector, which shall be held only by an attorney at law. The duties of this position are to investigate and report upon all complaints and alleged violations of this chapter or rules adopted under this chapter by the division and to represent the division in prosecutions and other matters arising from such complaints and alleged violations.

The office of the attorney-inspector is hereby designated a criminal justice agency in investigating reported violations of law relating to securities and investment advice, and as such is authorized by this state to apply for access to the computerized databases administered by the national crime information center or the law enforcement automated data system in Ohio, and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies.

(B) There is hereby created in the division of securities two positions to be known as control-bid attorneys, which shall be held only by attorneys at law. The duties of these positions are to investigate and report upon all matters relating to control-bids and related matters and to represent the division in the regulatory matters arising under the Ohio control-bid law.

(C) The attorney-inspector and each control-bid attorney shall be paid at a rate not less than pay range 47 set out in schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code, to be paid as other operating expenses of the division.

Sec. 1707.37. (A) All fees and charges collected under this chapter shall be paid into the state treasury to the credit of the division of securities fund, which is hereby created. All expenses of the division of securities, other than those specified in division (B) of this section, shall be paid from the fund.

The fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce. The assessments shall be paid from the division of securities fund to the division of administration fund.

If moneys in the division of securities fund are determined by the director of budget and management and the director of commerce to be in excess of those necessary to defray all the expenses in any fiscal year, the director of budget and management shall transfer the excess to the general revenue fund.

(B) There is hereby created in the state treasury the division of securities investor education and enforcement expense fund, which shall consist of all money received in settlement of any violation of this chapter and any cash transfers. Money in the fund shall be used to fund grants and pay expenses of the division of securities relating to education or enforcement for the protection of securities investors and the public. The division may adopt rules pursuant to section

1707.20 of the Revised Code that establish what qualifies as such an expense and qualifications for grant funded programs.

Sec. 1707.46. The principal executive officer of the division of securities shall be the commissioner of securities, who shall be appointed by the director of commerce. The commissioner of securities shall enforce all the laws and administrative rules enacted or adopted to regulate the sale of bonds, stocks, and other securities and to prevent fraud in such sales. The commissioner also shall enforce all the laws and administrative rules enacted or adopted to regulate investment advisers, investment adviser representatives, state retirement system investment officers, and the bureau of workers' compensation chief investment officer and to prevent fraud in their acts, practices, and transactions.

The commissioner shall be paid at a rate not less than pay range 47 set out in schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code, to be paid as other operating expenses of the division.

Sec. 1707.47. (A) As used in this section and section 1707.471 of the Revised Code:

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim.

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division.

(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving

spouse or dependent children.

(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code~~, not to exceed an aggregate total of two million five hundred thousand dollars in any fiscal year~~. Money in the Ohio investor recovery fund shall be used for the purposes identified in division (C) of this section.

(C) The division shall use the Ohio investor recovery fund only to pay awards of restitution assistance and any expenses incurred in administering this section.

(D)(1) If the Ohio investor recovery fund is reduced below two hundred fifty thousand dollars due to payment in full of restitution assistance awards that become final during a month, the division shall suspend payment of further claims that become final during that month and the following two months.

(2) At the end of the suspension period described in division (D)(1) of this section, the division shall pay the suspended claims. If the Ohio investor recovery fund would be exhausted by payment in full of the suspended claims, the amount paid to each claimant shall be prorated according to the amount remaining in the Ohio investor recovery fund at the end of the suspension period.

(E) The state shall not be liable for a determination made by the division under this section except to the extent that money is available in the Ohio investor recovery fund on the date the award is calculated.

(F) The following victims are eligible for restitution assistance:

(1) A natural person who is a resident of this state;

(2) A person, other than a natural person, that is domiciled in Ohio.

(G) The division shall not award restitution assistance as follows:

(1) To more than one claimant per victim;

(2) To a claimant on behalf of a victim that has received the full amount of restitution owed from the person ordered to pay restitution to the victim in the final order before the application for restitution assistance from the fund is filed;

(3) To a claimant if the final order identifies no pecuniary loss to the victim on whose behalf the application is made;

(4) To a claimant on behalf of a victim that assisted in the commission of the violation of this chapter;

(5) If the portion of the final order giving rise to a restitution order or otherwise establishing a pecuniary loss to the victim is overturned on appeal.

(H) If, after the division has made a restitution assistance award from the Ohio investor recovery fund under this section, the restitution award in the final order is overturned on appeal and all legal remedies have been exhausted, then the claimant shall forfeit the restitution assistance award.

Sec. 1713.03. The chancellor of higher education shall establish standards for certificates of authorization to be issued to institutions as defined in section 1713.01 of the Revised Code, to private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section

3333.046 of the Revised Code, and to schools holding certificates of registration issued by the state board of career colleges and schools pursuant to division (C) of section 3332.05 of the Revised Code. A certificate of authorization may permit an institution or school to award one or more types of degrees.

The standards for a certificate of authorization may include, for various types of institutions, schools, or degrees, minimum qualifications for faculty, library, laboratories, and other facilities as adopted and published by the chancellor. The standards shall be adopted by the chancellor pursuant to Chapter 119. of the Revised Code.

An institution or school shall apply to the chancellor for a certificate of authorization on forms containing such information as is prescribed by the chancellor. Each institution or school with a certificate of authorization shall file an annual report with the chancellor in such form and containing such information as the chancellor prescribes. The annual report shall include disclosure of any unaccredited online program manager the institution or school has contracted with to provide instruction to its students.

The chancellor shall adopt a rule under Chapter 119. of the Revised Code establishing fees to pay the cost of reviewing an application for a certificate of authorization, which the institution or school shall pay when it applies for a certificate of authorization, and establishing fees, which an institution or school shall pay, for any further reviews the chancellor determines necessary upon examining an institution's or school's annual report.

Sec. 1713.032. (A) As used in this section, "contractual agreement" means a contract in which an institution or school

with a certificate of authorization, or seeking a certificate of authorization, grants an unaccredited online program manager input on or authority over any of the following for an academic program:

(1) Curriculum development, design, or maintenance;

(2) Student assessment and grading;

(3) Course assessment;

(4) Admissions requirements;

(5) Appointment of faculty;

(6) Faculty assessment;

(7) Decision to award course credit or credential;

(8) Institutional governance.

(B) The chancellor of higher education may request that an institution or school with a certificate of authorization, or seeking a certificate of authorization, provide the chancellor with all information concerning a contractual agreement, including a copy of the agreement.

(C) An institution or school intending to enter into a contractual agreement for an academic program shall submit appropriate documentation as requested by the chancellor and obtain prior approval from the chancellor before entering into such an agreement.

(D) Each institution or school shall include in each contractual agreement a provision that requires the institution or school to maintain responsibility for and oversight of the academic program as specified in the standards and procedures for academic program approval pursuant to section 3333.04 of the

Revised Code. The institution or school shall ensure each academic program is offered in the manner approved by the chancellor or formally shall request approval of a significant change to the previously approved program or approval of a new academic program.

(E) An institution or school that enters a contractual agreement shall notify students which parties are providing instruction, recruitment, and other services under the agreement.

(F) An institution or school shall not enter into a contractual agreement unless the agreement includes a provision that grants the chancellor the authority to invalidate the contract if the chancellor determines the agreement is not in compliance with the standards and procedures for academic program approval or a certificate of authorization. If the chancellor invalidates a contract, the institution or school shall not enroll new students and shall offer each current student either remediated instruction at no cost to the student or a full refund on tuition.

Sec. 1713.033. Each institution or school with a certificate of authorization issued under this chapter annually shall certify to the chancellor of higher education, on a date and in the form and manner determined by the chancellor, a plan to preserve student records indefinitely if the institution or school was to cease operations. The plan shall include the designation and signed confirmation of an official custodian of student records. If the chancellor determines it necessary, the chancellor may require an institution or school to produce an executed agreement with the designated custodian of student records, paid in full, to ensure the institution's or school's

plan can be implemented.

The chancellor may consult with the higher learning commission, the state board of career colleges and schools, and other appropriate entities to establish plans, processes, and procedures for institutions and schools to provide indefinite access to student records.

Sec. 1713.041. (A) Each institution or school authorized to offer courses or degrees under a certificate of authorization annually shall provide to the chancellor of higher education all of the following:

(1) Verification of current accreditation status and a copy of the most recent institutional report from the institution's accrediting organization;

(2) A plan to preserve student records indefinitely in the event of closure of the institution or discontinuation of service. The plan shall include a method by which students and alumni of the institution may retrieve student records by request. The plan also shall include a designation and signed confirmation of an official custodian of student records. Student records preserved under the plan shall include, but not be limited to:

(a) Academic transcripts;

(b) Financial aid documents;

(c) International student forms;

(d) Tax information.

(3) The following program information:

(a) A list of current degree programs offered by the

institution in this state;

(b) The results of any external degree program evaluations conducted in the last year;

(c) A list of any degree programs that have been eliminated in the last year;

(4) The latest financial statement for the most recent fiscal year compiled and audited by an independent certified public accountant, including any management letters provided by the independent auditor;

(5) Any other information requested by the chancellor.

(B) If an institution or school fails to submit the information required under division (A) of this section or if the chancellor finds that the information submitted under that division is insufficient, the chancellor may suspend, withdraw, or revoke an institution or school's institutional authorization or a program's authorization.

(C) Each institution or school shall immediately notify the chancellor if the institution or school does any of the following:

(1) Receives notice from the federal government or an institutional accrediting organization that the institution or school is subject to heightened reporting standards or special monitoring status, such as the United States department of education's heightened cash monitoring process;

(2) Receives preliminary or final accreditation findings;

(3) Becomes the subject of an investigation by a government agency related to the institution's academic quality, financial stability, or student consumer protection;

(4) Fails to make any payments to applicable retirement systems;

(5) Fails to make any scheduled payroll payments;

(6) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the institution;

(7) Fails to make any scheduled payment of principal or interest for short- or long-term debt;

(8) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;

(9) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.

(D) A document received by the chancellor under division (C)(1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity. Further, financial documentation of the institution or school received by the chancellor under this section is not a public record under section 149.43 of the Revised Code.

Sec. 2101.16. (A) Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective proceedings:

A	(1)	Account, in addition to advertising charges	
B		_____	$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	$1.00
E	(2)	Account of distribution, in addition to advertising charges	
F		_____	$7.00
G	(3)	Adoption of child, petition for	
H		_____	$20.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J		_____	$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L		_____	$5.00
M	(6)	Appropriation suit, per day, hearing in	
N		_____	$20.00
O	(7)	Birth, application for registration of	

P		_____	$7.00
Q	(8)	Birth record, application to correct	
R		_____	$5.00
S	(9)	Bond, application for new or additional	
T		_____	$5.00
U	(10)	Bond, application for release of surety or reduction of	
V		_____	$5.00
W	(11)	Bond, receipt for securities deposited in lieu of	
X		_____	$5.00
Y	(12)	Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z		_____	$1.00
AA	(13)	Citation and issuing citation, application for	
AB		_____	$5.00
AC	(14)	Change of name, petition for	
AD		_____	$20.00
AE	(15)	Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF		_____	$10.00

(16) Claim, application to compromise or settle

_____ $10.00

(17) Claim, authority to present

_____ $10.00

(18) Commissioner, appointment of

_____ $5.00

(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for

_____ $5.00

(20) Competency, application to procure adjudication of

_____ $20.00

(21) Complete contract, application to

_____ $10.00

(22) Concealment of assets, citation for

_____ $10.00

(23) Construction of will, complaint for

_____ $20.00

(24) Continue decedent's business, application to

_____ $10.00

AY		Monthly reports of operation	
AZ		_____	$5.00
BA	(25)	Declaratory judgment, complaint for	
BB		_____	$20.00
BC	(26)	Deposit of will	
BD		_____	$5.00
BE	(27)	Designation of heir	
BF		_____	$20.00
BG	(28)	Distribution in kind, application, assent, and order for	
BH		_____	$5.00
BI	(29)	Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ		_____	$7.00
BK	(30)	Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL		_____	$15.00
BM	(31)	Exceptions to any proceeding named in this section, contest of appointment or	

BN		_____	$10.00
BO	(32)	Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP		_____	$10.00
BQ	(33)	Election of surviving spouse under will	
BR		_____	$5.00
BS	(34)	Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT		_____	$35.00
BU	(35)	Foreign will, application to record	
BV		_____	$10.00
BW		Record of foreign will, additional, per page	
BX		_____	$1.00
BY	(36)	Forms when supplied by the probate court, not to exceed	
BZ		_____	$10.00
CA	(37)	Heirship, complaint to determine	
CB		_____	$20.00
CC	(38)	Injunction proceedings	

CD		_____	$20.00
CE	(39)	Improve real property, petition to	
CF		_____	$20.00
CG	(40)	Inventory with appraisement	
CH		_____	$10.00
CI	(41)	Inventory without appraisement	
CJ		_____	$7.00
CK	(42)	Investment or expenditure of funds, application for	
CL		_____	$10.00
CM	(43)	Invest in real property, application to	
CN		_____	$10.00
CO	(44)	Lease for oil, gas, coal, or other mineral, petition to	
CP		_____	$20.00
CQ	(45)	Lease or lease and improve real property, petition to	
CR		_____	$20.00
CS	(46)	Marriage license	
CT		_____	$10.00
CU		Certified abstract of each marriage	

CV		_____	$2.00
CW	(47)	Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX		_____	$10.00
CY	(48)	Mortgage or mortgage and repair or improve real property, complaint to	
CZ		_____	$20.00
DA	(49)	Newly discovered assets, report of	
DB		_____	$7.00
DC	(50)	Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD		_____	$20.00
DE	(51)	Power of attorney or revocation of power, bonding company	
DF		_____	$10.00
DG	(52)	Presumption of death, petition to establish	
DH		_____	$20.00
DI	(53)	Probating will	
DJ		_____	$15.00
DK		Proof of notice to beneficiaries	

DL _____ $5.00

DM (54) Purchase personal property, application of surviving spouse to

DN _____ $10.00

DO (55) Purchase real property at appraised value, petition of surviving spouse to

DP _____ $20.00

DQ (56) Receipts in addition to advertising charges, application and order to record

DR _____ $5.00

DS Record of those receipts, additional, per page

DT _____ $1.00

DU (57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page

DV _____ $1.00

DW (58) Release of estate by mortgagee or other lienholder

DX _____ $5.00

DY (59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code

DZ _____ $60.00

EA (60) Removal of fiduciary, application for

EB _____ $10.00

EC (61) Requalification of executor or administrator

ED _____ $10.00

EE (62) Resignation of fiduciary

EF _____ $5.00

EG (63) Sale bill, public sale of personal property

EH _____ $10.00

EI (64) Sale of personal property and report, application for

EJ _____ $10.00

EK (65) Sale of real property, petition for

EL _____ $25.00

EM (66) Terminate guardianship, petition to

EN _____ $10.00

EO (67) Transfer of real property, application, entry, and certificate for

EP _____ $7.00

EQ (68) Unclaimed money, application to invest

ER		_____	$7.00
ES	(69)	Vacate approval of account or order of distribution, motion to	
ET		_____	$10.00
EU	(70)	Writ of execution	
EV		_____	$5.00
EW	(71)	Writ of possession	
EX		_____	$5.00
EY	(72)	Wrongful death, application and settlement of claim for	
EZ		_____	$20.00
FA	(73)	Year's allowance, petition to review	
FB		_____	$7.00
FC	(74)	Guardian's report, filing and review of	
FD		_____	$5.00
FE	(75)	Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF		_____	$25.00

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant

to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A)(75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F)(1) The "putative father registry fund" is hereby created in the state treasury. The department of ~~job and family services~~ children and youth shall use the money in the fund to fund the department's costs of performing its duties related to the putative father registry established under section 3107.062 of the Revised Code.

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division (D) of section 2151.3527 or section 5103.155 of the Revised Code.

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this section, any person having knowledge of a child who appears to have violated section 2151.87 of the Revised Code or to be a juvenile traffic offender or to be an unruly, abused, neglected, or dependent child may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence or legal settlement or in which the violation, unruliness, abuse, neglect, or dependency allegedly occurred. If an alleged abused, neglected, or dependent child is

taken into custody pursuant to division (D) of section 2151.31 of the Revised Code or is taken into custody pursuant to division (A) of section 2151.31 of the Revised Code without the filing of a complaint and placed into shelter care pursuant to division (C) of that section, a sworn complaint shall be filed with respect to the child before the end of the next day after the day on which the child was taken into custody. The sworn complaint may be upon information and belief, and, in addition to the allegation that the child committed the violation or is an unruly, abused, neglected, or dependent child, the complaint shall allege the particular facts upon which the allegation that the child committed the violation or is an unruly, abused, neglected, or dependent child is based.

(2) Any person having knowledge of a child who appears to be an unruly child for being an habitual truant may file a sworn complaint with respect to that child and the parent, guardian, or other person having care of the child in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend public school. The sworn complaint may be upon information and belief and shall contain the following allegations:

(a) That the child is an unruly child for being an habitual truant and, in addition, the particular facts upon which that allegation is based;

(b) That the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code and, in addition, the particular facts upon which that allegation is based.

(B) If a child, before arriving at the age of eighteen

years, allegedly commits an act for which the child may be adjudicated an unruly child and if the specific complaint alleging the act is not filed or a hearing on that specific complaint is not held until after the child arrives at the age of eighteen years, the court has jurisdiction to hear and dispose of the complaint as if the complaint were filed and the hearing held before the child arrived at the age of eighteen years.

(C) If the complainant in a case in which a child is alleged to be an abused, neglected, or dependent child desires permanent custody of the child or children, temporary custody of the child or children, whether as the preferred or an alternative disposition, or the placement of the child in a planned permanent living arrangement, the complaint shall contain a prayer specifically requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement.

(D) Any person with standing under applicable law may file a complaint for the determination of any other matter over which the juvenile court is given jurisdiction by section 2151.23 of the Revised Code. The complaint shall be filed in the county in which the child who is the subject of the complaint is found or was last known to be found.

(E) A public children services agency, acting pursuant to a complaint or an action on a complaint filed under this section, is not subject to the requirements of section 3127.23 of the Revised Code.

(F) Upon the filing of a complaint alleging that a child is an unruly child, the court may hold the complaint in abeyance pending the child's successful completion of actions that

constitute a method to divert the child from the juvenile court system. The method may be adopted by a county pursuant to divisions (D) and (E) of section 121.37 of the Revised Code or it may be another method that the court considers satisfactory. If the child completes the actions to the court's satisfaction, the court may dismiss the complaint. If the child fails to complete the actions to the court's satisfaction, the court may consider the complaint.

(G) Upon the filing of a complaint that a child is an unruly child that is based solely on a child being an habitual truant, the court shall consider an alternative to adjudication, including actions that constitute a method to divert the child from the juvenile court system, using the Rules of Juvenile Procedure, or by any other means if such an alternative is available to the court and the child has not already participated or failed to complete one of the available alternatives. The court shall consider the complaint only as a matter of last resort.

(H) If a complaint that a child is an unruly child based on the child being an habitual truant proceeds to consideration by the court, the prosecution shall bear the burden of proving beyond a reasonable doubt the following:

(1) That the child is of compulsory school age, as defined in section 3321.01 of the Revised Code;

(2) That the child was absent without legitimate excuse for absence from the public school the child was supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

The child may assert as an affirmative defense the fact that the child did participate in, or made satisfactory progress on, ~~the absence intervention plan~~ any interventions or other alternatives to adjudication as described in ~~division (C) of~~ section 3321.191 of the Revised Code.

Sec. 2151.311. (A) A person taking a child into custody shall, with all reasonable speed and in accordance with division (C) of this section, either:

(1) Release the child to the child's parents, guardian, or other custodian, unless the child's detention or shelter care appears to be warranted or required as provided in section 2151.31 of the Revised Code;

(2) Bring the child to the court or deliver the child to a place of detention or shelter care designated by the court and promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court.

(B) If a parent, guardian, or other custodian fails, when requested by the court, to bring the child before the court as provided by this section, the court may issue its warrant directing that the child be taken into custody and brought before the court.

(C)(1) Before taking any action required by division (A) of this section, a person taking a child into custody may hold the child for processing purposes in a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held for either of the following periods of time:

(a) For a period not to exceed six hours, if all of the

following apply:

(i) The child is alleged to be a delinquent child for the commission of an act that would be a felony if committed by an adult;

(ii) The child remains beyond the range of touch of all adult detainees;

(iii) The child is visually supervised by jail or workhouse personnel at all times during the detention;

(iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention.

(b) For a period not to exceed three hours, if all of the following apply:

(i) The child is alleged to be a delinquent child for the commission of an act that would be a misdemeanor if committed by an adult, is alleged to be a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being an habitual truant, or is alleged to be an unruly child or a juvenile traffic offender;

(ii) The child remains beyond the range of touch of all adult detainees;

(iii) The child is visually supervised by jail or workhouse personnel at all times during the detention;

(iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention.

(2) If a child has been transferred to an adult court for prosecution for the alleged commission of a criminal offense, subsequent to the transfer, the child may be held as described

in division (F) of section 2152.26 or division ~~(B)~~(C) of section 5120.16 of the Revised Code.

(D) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section is confined under authority of this section in a place specified in division (C) of this section, the fact of the person's admission to and confinement in that place is restricted as described in division (G) of section 2152.26 of the Revised Code.

(E) As used in division (C)(1) of this section, "processing purposes" means all of the following:

(1) Fingerprinting, photographing, or fingerprinting and photographing the child in a secure area of the facility;

(2) Interrogating the child, contacting the child's parent or guardian, arranging for placement of the child, or arranging for transfer or transferring the child, while holding the child in a nonsecure area of the facility.

Sec. 2151.316. (A) The department of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised Code.

(B) If the rights of an individual, as established under

division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver.

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 2151.356. (A) The records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code shall not be sealed under this section.

(B)(1) The juvenile court shall ~~promptly~~ order the ~~immediate~~ sealing of records pertaining to a juvenile in any of the following circumstances if the court, after weighing the interests of the person in having the records sealed against the legitimate needs, if any, of the public to access those records, finds that the interests of the person in having the records sealed are not outweighed by any legitimate needs of the public to access those records:

(a) If the court receives a record from a public office or agency under division (B)(2) of this section;

(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;

(c) If a person was charged with violating division (E)(1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E)(2)

(a) of section 4301.69 of the Revised Code with respect to that charge;

(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;

(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of the act. The records delivered to the court as required under this division shall not include fingerprints, DNA specimens, and DNA records described under division (A)(3) of section 2151.357 of the Revised Code.

(C)(1) The juvenile court shall consider the sealing of records pertaining to a juvenile upon the court's own motion or upon the application of a person if the person has been adjudicated a delinquent child for committing an act other than

a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The court shall not require a fee for the filing of the application. The motion or application may be made on or after the time specified in whichever of the following is applicable:

(a) If the person is under eighteen years of age, at any time after six months after any of the following events occur:

(i) The termination of any order made by the court in relation to the adjudication;

(ii) The unconditional discharge of the person from the department of youth services with respect to a dispositional order made in relation to the adjudication or from an institution or facility to which the person was committed pursuant to a dispositional order made in relation to the adjudication;

(iii) The court enters an order under section 2152.84 or 2152.85 of the Revised Code that contains a determination that the child is no longer a juvenile offender registrant.

(b) If the person is eighteen years of age or older, at any time after the later of the following:

(i) The person's attainment of eighteen years of age;

(ii) The occurrence of any event identified in divisions (C)(1)(a)(i) to (iii) of this section.

(2) In making the determination whether to seal records pursuant to division (C)(1) of this section, all of the

following apply:

(a) The court may require a person filing an application under division (C)(1) of this section to submit any relevant documentation to support the application.

(b) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has been rehabilitated to a satisfactory degree.

(c) The court shall promptly, but not less than thirty days prior to the hearing, notify the prosecuting attorney of any proceedings to seal records initiated pursuant to division (C)(1) of this section. The prosecutor shall provide timely notice to a victim and a victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case.

(d)(i) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the sealing proceedings.

(ii) If the prosecuting attorney does not file a response with the court or if the prosecuting attorney files a response but indicates that the prosecuting attorney does not object to the sealing of the records, the court may order the records of the person that are under consideration to be sealed without conducting a hearing on the motion or application. If the court decides in its discretion to conduct a hearing on the motion or application, the court shall conduct the hearing within thirty days after making that decision and shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration. The victim, the victim's

representative, and the victim's attorney, if applicable, may be present and heard orally, in writing, or both at any hearing under this division. The court shall consider the oral and written statement of any victim, victim's representative, and victim's attorney, if applicable.

(iii) If the prosecuting attorney files a response with the court that indicates that the prosecuting attorney objects to the sealing of the records, the court shall conduct a hearing on the motion or application within thirty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration. The victim, the victim's representative, and the victim's attorney, if applicable, may be present and heard orally, in writing, or both at any hearing under this division. The court shall consider the oral and written statement of any victim, victim's representative, and victim's attorney, if applicable.

(e) After conducting a hearing in accordance with division (C)(2)(d) of this section or after due consideration when a hearing is not conducted, except as provided in division (B)(1)(c) of this section, the court may order the records of the person that are the subject of the motion or application to be sealed if it finds ~~that~~ both of the following:

(i) After weighing the interests of the person in having the records sealed against the legitimate needs, if any, of the public to access those records, that the interests of the person in having the records sealed are not outweighed by any legitimate needs of the public to access those records;

(ii) That the person has been rehabilitated to a

satisfactory degree. In determining whether the person has been rehabilitated to a satisfactory degree, the court may consider all of the following:

~~(i)~~ (I) The age of the person;

~~(ii)~~ (II) The nature of the case;

~~(iii)~~ (III) The cessation or continuation of delinquent, unruly, or criminal behavior;

~~(iv)~~ (IV) The education and employment history of the person;

~~(v)~~ (V) The granting of a new tier classification or declassification from the juvenile offender registry pursuant to section 2152.85 of the Revised Code, except for public registry-qualified juvenile offender registrants;

~~(vi)~~ (VI) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.

(D)(1)(a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.

(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order and if the court does not seal the

person's record upon the court's own motion, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.

(2) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender, the juvenile court shall provide written notice to the person that does all of the following:

(a) States that the person may apply to the court for an order to seal the record;

(b) Explains what sealing a record means;

(c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;

(d) Explains what expunging a record means.

(3) The department of youth services and any other institution or facility that unconditionally discharges a person who has been adjudicated a delinquent child, an unruly child, or a juvenile traffic offender shall immediately give notice of the discharge to the court that committed the person. The court shall note the date of discharge on a separate record of discharges of those natures.

Sec. 2151.3527. (A) The director of children and youth shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for

the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that might cause parents to desert a child and information on the procedures for a person to follow in order to reunite with a child the person delivered under section 2151.3516 of the Revised Code, including notice that the person will be required to submit to a DNA test, at that person's expense, to prove that the person is the parent of the child.

(C) The director of ~~job and family services~~ children and youth shall distribute the medical information forms and written materials promulgated pursuant to this section to all of the following:

(1) Entities permitted to receive a deserted child as specified in section 2151.3517 of the Revised Code;

(2) Public children services agencies;

(3) Other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.

(D) If the department ~~of job and family services~~ determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than

is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development, distribution, and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.

(E) The department ~~of job and family services~~ shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3515 to 2151.3533 of the Revised Code.

Sec. 2151.416. (A) Each agency that is required by section 2151.412 of the Revised Code to prepare a case plan for a child shall complete a semiannual administrative review of the case plan no later than six months after the earlier of the date on which the complaint in the case was filed or the child was first placed in shelter care. After the first administrative review, the agency shall complete semiannual administrative reviews no later than every six months. If the court issues an order pursuant to section 2151.414 or 2151.415 of the Revised Code, the agency shall complete an administrative review no later than six months after the court's order and continue to complete administrative reviews no later than every six months after the first review, except that the court hearing held pursuant to section 2151.417 of the Revised Code may take the place of any administrative review that would otherwise be held at the time of the court hearing. When conducting a review, the child's health and safety shall be the paramount concern.

(B) Each administrative review required by division (A) of

this section shall be conducted by a review panel of at least three persons, including, but not limited to, both of the following:

(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan;

(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child.

(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting.

(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following:

(1) A conclusion regarding the safety and appropriateness of the child's foster care placement;

(2) The extent of the compliance with the case plan of all parties;

(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;

(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;

(5) An updated case plan that includes any changes that the agency is proposing in the case plan;

(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;

(7) The names of all persons who participated in the administrative review;

(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.

(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change.

(1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of children and youth may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary

of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the custody of another institution or association certified by the department of children and youth under section 5103.03 of the Revised Code.

Sec. 2151.4115. ~~(A)~~ As used in sections 2151.4116 to 2151.4122 of the Revised Code:

~~(1)~~ (A) "Kinship caregiver" has the same meaning as used in section ~~5101.85~~ 5180.50 of the Revised Code.

~~(2)~~ (B) "Search technology" means any locate-and-research tool, search engine, electronic database, or social media search tool available to a public children services agency or a private child placing agency.

Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county

in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; employee of an entity that provides home visiting services under the help me grow program established by the department of children and youth pursuant to section 5180.21 of the Revised Code; superintendent or regional administrator

employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a

similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship

described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone, in person, or electronically and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the

child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency

medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall

refer the report to the appropriate public children services agency, in accordance with requirements specified under division (B)(6) of section 2151.4221 of the Revised Code, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do all of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center;

(c) Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, and in accordance with requirements specified under division (B)(6) of section 2151.4221 of the Revised Code, notify the appropriate law enforcement agency of the report, if the public children

services agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of neglect identified by the department of children and youth in rules adopted under division (L)(2) of this section.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum

of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) ~~and rules adopted under division (L)(3)~~ of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of children and youth shall maintain in accordance with section ~~5101.13~~ 5180.40 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury,

death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the

prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if

its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of ~~job and family services~~ children and youth and shall inform the person of the right to appeal the disposition.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code. If a ~~child~~ family is determined to ~~be a candidate for~~ benefit from prevention services, the agency also ~~shall~~ may make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services, if appropriate prevention services are available from a local provider or other reasonable source.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report

shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of children and youth may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the

person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the

Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.423. A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority or any ~~agency providing~~ prevention services provider to the ~~child~~family, that needs the information to carry out its responsibilities to protect children from abuse or neglect.

Information disclosed pursuant to this section is

confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. The agency receiving the information shall maintain the confidentiality of information disclosed pursuant to this section.

Sec. 2151.424. (A) If a child has been placed in a certified foster home or is in the custody of, or has been placed with, a kinship caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised Code, a court, prior to conducting any hearing pursuant to division (F)(2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or kinship caregiver of the date, time, and place of the hearing. At the hearing, the foster caregiver or kinship caregiver shall have the right to be heard.

(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division (F)(2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the review or hearing. At the review or hearing, the prospective adoptive parent shall have the right to be heard.

(C) The notice and the opportunity to be heard do not make the foster caregiver, kinship caregiver, or prospective adoptive parent a party in the action or proceeding pursuant to which the

review or hearing is conducted.

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the Revised Code, "emancipated young adult" and "representative" have the same meanings as in section ~~5101.141~~ 5180.42 of the Revised Code.

Sec. 2151.451. (A) The juvenile court of the county, to which either of the following applies regarding an emancipated young adult described under division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code, may exercise jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code:

(1) The county in which the emancipated young adult resides;

(2) The county in which the emancipated young adult resided when the custody, arrangement, or care and placement described in division (A)(3)(a) of section ~~5101.141~~ 5180.42 of the Revised Code terminated.

(B) A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under sections 2151.45 to 2151.455 of the Revised Code to a juvenile court with jurisdiction as provided in this section.

Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the

department of children and youth or its representative.

(B) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, make a determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence.

Sec. 2151.453. If any determination required under section 2151.452 of the Revised Code is not timely made, the federal payments for foster care under division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code for the emancipated young adult shall be suspended. The payments shall resume upon a subsequent determination that reasonable efforts have been made to prepare the emancipated young adult for independence, but only if both of the following apply:

(A) The emancipated young adult complies with division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code.

(B) There has been a timely determination of best interest under division (A) of section 2151.452 of the Revised Code.

Sec. 2152.21. (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:

(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;

(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a definite period not exceeding two years or suspend the registration of all motor vehicles registered in the name of the child for a definite period not exceeding two years. A child whose license

or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(3) Place the child on community control;

(4) If the child is adjudicated a juvenile traffic offender for an act other than an act that would be a minor misdemeanor if committed by an adult and other than an act that could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, require the child to make restitution pursuant to division (A)(3) of section 2152.20 of the Revised Code;

(5)(a) If the child is adjudicated a juvenile traffic offender for committing a violation of division (A) of section 4511.19 of the Revised Code or of a municipal ordinance that is substantially equivalent to that division, commit the child, for not longer than five days, to either of the following:

(i) The temporary custody of a detention facility or district detention facility established under section 2152.41 of the Revised Code;

(ii) The temporary custody of any school, camp, institution, or other facility for children operated in whole or in part for the care of juvenile traffic offenders of that nature by the county, by a district organized under section 2151.65 or 2152.41 of the Revised Code, or by a private agency or organization within the state that is authorized and

qualified to provide the care, treatment, or placement required.

(b) If an order of disposition committing a child to the temporary custody of a home, school, camp, institution, or other facility of that nature is made under division (A)(5)(a) of this section, the length of the commitment shall not be reduced or diminished as a credit for any time that the child was held in a place of detention or shelter care, or otherwise was detained, prior to entry of the order of disposition.

(6) If, after making a disposition under divisions (A)(1) to (5) of this section, the court finds upon further hearing that the child has failed to comply with the orders of the court and the child's operation of a motor vehicle constitutes the child a danger to the child and to others, the court may make any disposition authorized by divisions (A)(1), (4), (5), and (8) of section 2152.19 of the Revised Code, except that the child may not be committed to or placed in a secure correctional facility unless authorized by division (A)(5) of this section, and commitment to or placement in a detention facility may not exceed twenty-four hours.

(B) If a child is adjudicated a juvenile traffic offender for violating division (A) or (B) of section 4511.19 of the Revised Code, in addition to any order of disposition made under division (A) of this section, the court shall impose a class six suspension of the temporary instruction permit, probationary driver's license, or driver's license issued to the child from the range specified in division (A)(6) of section 4510.02 of the Revised Code. The court, in its discretion, may terminate the suspension if the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the

child is attending a program as described in this division, the court shall retain the child's temporary instruction permit, probationary driver's license, or driver's license issued, and the court shall return the permit or license if it terminates the suspension as described in this division.

(C) If a child is adjudicated a juvenile traffic offender for violating division (B)(1) of section 4513.263 of the Revised Code, the court shall impose the appropriate fine set forth in division ~~(G)~~ (F)(1) of that section. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is sixteen years of age or older, the court shall impose the fine set forth in division ~~(G)(2)~~ (F)(2) of that section. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is under sixteen years of age, the court shall not impose a fine but may place the child on probation or community control.

(D) A juvenile traffic offender is subject to sections 4509.01 to 4509.78 of the Revised Code.

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) of this section, a child alleged to be or adjudicated a delinquent child or a juvenile traffic offender may be held only in the following places:

(1) A certified foster home or a home approved by the court;

(2) A facility operated by a certified child welfare agency;

(3) Any other suitable place designated by the court.

(B) In addition to the places listed in division (A) of

this section, a child alleged to be or adjudicated a delinquent child or a person described in division (C)(7) of section 2152.02 of the Revised Code may be held in a detention facility for delinquent children that is under the direction or supervision of the court or other public authority or of a private agency and approved by the court, and a child adjudicated a delinquent child may be held in accordance with division (F)(2) of this section in a facility of a type specified in that division.

(C)(1) Except as provided under division (C)(1) of section 2151.311 of the Revised Code or division (A)(5) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held in any of the following facilities:

(a) A state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of crime, under arrest, or charged with a crime is held.

(b) A secure correctional facility.

(2) Except as provided under this section, sections 2151.56 to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held for more than twenty-four hours in a detention facility.

(D) Except as provided in division (F) of this section or in division (C) of section 2151.311, in division (C)(2) of section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of section 5120.16 of the Revised Code, a child who is alleged to be or is adjudicated a delinquent child or a person described in

division (C)(7) of section 2152.02 of the Revised Code may not be held in a state correctional institution, county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(E) Unless the detention is pursuant to division (F) of this section or division (C) of section 2151.311, division (C)(2) of section 5139.06 and section 5120.162, or division ~~(B)~~ (C) of section 5120.16 of the Revised Code, the official in charge of the institution, jail, workhouse, or other facility shall inform the court immediately when a person who is or appears to be under the age of eighteen years, or a person who is charged with a violation of an order of a juvenile court or a violation of probation or parole conditions imposed by a juvenile court and who is or appears to be between the ages of eighteen and twenty-one years, is received at the facility and shall deliver the person to the court upon request or transfer the person to a detention facility designated by the court.

(F)(1) If a case is transferred to another court for criminal prosecution pursuant to section 2152.12 of the Revised Code and the alleged offender is a person described in division (C)(7) of section 2152.02 of the Revised Code, the person may not be transferred for detention pending the criminal prosecution in a jail or other facility except under the circumstances described in division (F)(4) of this section. Any child held in accordance with division (F)(3) of this section shall be confined in a manner that keeps the child beyond the sight and sound of all adult detainees. The child shall be supervised at all times during the detention.

(2) If a person is adjudicated a delinquent child or

juvenile traffic offender or is a person described in division (C)(7) of section 2152.02 of the Revised Code and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the person may be held under that disposition or under the circumstances described in division (F)(4) of this section in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(3)(a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains twenty-one years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F)(3)(a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4)(a) Any person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the

Revised Code or any person who has attained the age of eighteen years but has not attained the age of twenty-one years and who is being held in a place specified in division (B) of this section may be held under that disposition or charge in places other than those specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held if the juvenile court, upon its own motion or upon motion by the prosecutor and after notice and hearing, establishes by a preponderance of the evidence and makes written findings of either of the following:

(i) With respect to a person whose case is transferred for criminal prosecution pursuant to either specified section or who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the youth is a threat to the safety and security of the facility;

(ii) With respect to a person who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the best interests of the youth require that the youth be held in a place other than a place specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held.

(b) In determining for purposes of division (F)(4)(a)(i) of this section whether a youth is a threat to the safety and security of the facility, evidence that the youth is a threat to the safety and security of the facility may include, but is not limited to, whether the youth has done any of the following:

(i) Injured or created an imminent danger to the life or health of another youth or staff member in the facility or

program by violent behavior;

(ii) Escaped from the facility or program in which the youth is being held on more than one occasion;

(iii) Established a pattern of disruptive behavior as verified by a written record that the youth's behavior is not conducive to the established policies and procedures of the facility or program in which the youth is being held.

(c) If a prosecutor submits a motion requesting that a person be held in a place other than those specified in division (B) of this section or if the court submits its own motion, the juvenile court shall hold a hearing within five days of the filing of the motion, and, in determining whether a place other than those specified in division (B) of this section is the appropriate place of confinement for the person, the court shall consider the following factors:

(i) The age of the person;

(ii) Whether the person would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities in order to provide physical separation from adults;

(iii) The person's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the person in an adult facility, which may be evidenced by mental health or psychological assessments or screenings made available to the prosecuting attorney and the defense counsel;

(iv) Whether detention in a juvenile facility would adequately serve the need for community protection pending the

outcome of the criminal proceeding;

(v) The relative ability of the available adult and juvenile detention facilities to meet the needs of the person, including the person's need for age-appropriate mental health and educational services delivered by individuals specifically trained to deal with youth;

(vi) Whether the person presents an imminent risk of self-inflicted harm or an imminent risk of harm to others within a juvenile facility;

(vii) Any other factors the juvenile court considers to be relevant.

(d) If the juvenile court determines that a place other than those specified in division (B) of this section is the appropriate place for confinement of a person pursuant to division (F)(4)(a) of this section, the person may petition the juvenile court for a review hearing thirty days after the initial confinement decision, thirty days after any subsequent review hearing, or at any time after the initial confinement decision upon an emergency petition by the youth due to the youth facing an imminent danger from others or the youth's self. Upon receipt of the petition, the juvenile court has discretion over whether to conduct the review hearing and may set the matter for a review hearing if the youth has alleged facts or circumstances that, if true, would warrant reconsideration of the youth's placement in a place other than those specified in division (B) of this section based on the factors listed in division (F)(4)(c) of this section.

(e) Upon the admission of a person described in division (F)(4)(a) of this section to a place other than those specified

in division (B) of this section, the facility shall advise the person of the person's right to request a review hearing as described in division (F)(4)(d) of this section.

(f) Any person transferred under division (F)(4)(a) of this section to a place other than those specified in division (B) of this section shall be confined in a manner that keeps those under eighteen years of age beyond sight and sound of all adult detainees. Those under eighteen years of age shall be supervised at all times during the detention.

(G)(1) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section or section 2151.311 of the Revised Code is confined under authority of any Revised Code section in a place other than a place specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held, subject to division (G)(2) of this section, all identifying information, other than the person's county of residence, age, gender, and race and the charges against the person, that relates to the person's admission to and confinement in that place is not a public record open for inspection or copying under section 149.43 of the Revised Code and is confidential and shall not be released to any person other than to a court, to a law enforcement agency for law enforcement purposes, or to a person specified by court order.

(2) Division (G)(1) of this section does not apply with respect to a person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code, who is convicted of or pleads guilty to an offense in that case, who is confined after that conviction or guilty

plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B)(4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, the person is sentenced for the offense pursuant to division (B)(3) of section 2152.121 of the Revised Code by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court is invoked pursuant to division (B)(3)(b) of section 2152.121 of the Revised Code.

Sec. 2909.05. (A) No person shall knowingly cause serious physical harm to an occupied structure or any of its contents.

(B)(1) No person shall knowingly cause physical harm to property that is owned or possessed by another, when either of the following applies:

(a) The property is used by its owner or possessor in the owner's or possessor's profession, business, trade, or occupation, and the value of the property or the amount of physical harm involved is one thousand dollars or more;

(b) Regardless of the value of the property or the amount of damage done, the property or its equivalent is necessary in order for its owner or possessor to engage in the owner's or

possessor's profession, business, trade, or occupation.

(2) No person shall knowingly cause serious physical harm to property that is owned, leased, or controlled by a governmental entity. A governmental entity includes, but is not limited to, the state or a political subdivision of the state, a school district, the board of trustees of a public library or public university, or any other body corporate and politic responsible for governmental activities only in geographical areas smaller than that of the state.

(C) No person, without privilege to do so, shall knowingly cause serious physical harm to any tomb, monument, gravestone, or other similar structure that is used as a memorial for the dead; to any fence, railing, curb, or other property that is used to protect, enclose, or ornament any cemetery; or to a cemetery.

(D) No person, without privilege to do so, shall knowingly cause physical harm to a place of burial by breaking and entering into a tomb, crypt, casket, or other structure that is used as a memorial for the dead or as an enclosure for the dead.

(E) Whoever violates this section is guilty of vandalism. Except as otherwise provided in this division, vandalism is a felony of the fifth degree that is punishable by a fine of up to two thousand five hundred dollars in addition to the penalties specified for a felony of the fifth degree in sections 2929.11 to 2929.18 of the Revised Code. If the value of the property or the amount of physical harm involved is seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, vandalism is a felony of the fourth degree. If the value of the property or the amount of physical harm involved is one hundred fifty thousand dollars or more, vandalism is a

felony of the third degree.

(F) For purposes of this section:

(1) "Cemetery" means any place of burial and includes burial sites under section 149.3010 of the Revised Code and burial sites that contain American Indian burial objects placed with or containing American Indian human remains.

(2) "Serious physical harm" means physical harm to property that results in loss to the value of the property of one thousand dollars or more.

Sec. 2915.01. As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

(1) Less than fifty per cent of the goods or services sold

by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;

(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;

(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;

(6) A participant may use the electronic device to purchase additional game entries;

(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;

(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that

is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of this chapter;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any provision of this chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of

communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or

state organization, that exists exclusively for the common business or sodality of its members.

(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(O) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of

the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, electronic instant bingo, and raffles.

(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and electronic instant bingo;

(2) A period for the conduct of instant bingo and electronic instant bingo for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township

constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for

nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.

(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.

(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower.

"Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(BB) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(CC) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform

size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under section 2915.08 of the Revised Code;

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post

home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code.

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it

dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(PP) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

(QQ)(1) "Slot machine" means either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a

scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine, an instant bingo ticket dispenser, or an electronic instant bingo system.

(RR) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant

bingo tickets and that includes the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;

(6) The cost per play;

(7) The serial number of the game.

(UU)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;

(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize;

and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (UU)(1) of this section:

(a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(VV) "Merchandise prize" means any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, or bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ) "Community action agency" has the same meaning as in section ~~122.66~~ 5101.311 of the Revised Code.

(AAA)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a

sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(c) The device selects prizes from a predetermined finite pool of entries.

(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

(f) The device utilizes software to create a game result.

(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this division and in section 2915.02 of the Revised Code:

(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.

(b) "Entry" means one event from the initial activation of

the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.

(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.

(CCC)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

(a) Each deal has a predetermined, finite number of

winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.

(b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.

(c) Each electronic instant bingo ticket within a deal is sold for the same price.

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include any of the following:

(a) Any game, entertainment, or bonus theme that replicates or simulates any of the following:

(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;

(ii) Horse racing;

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section

3770.21 of the Revised Code.

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(DDD) "Electronic instant bingo system" means both of the following:

(1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:

(a) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;

(b) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under section 2915.08 of the Revised Code.

(2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of

cigarettes or tobacco products in a delivery sale.

(16) The statement is made to the department of children and youth in connection with the Ohio adoption grant program for the purpose of qualifying for or obtaining an adoption grant under sections 5101.19 to 5101.194 of the Revised Code.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a concealed handgun license under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of that section.

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this section is guilty of falsification. Except as otherwise provided

in this division, falsification is a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more, falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.

(4) Whoever violates division (A)(14) or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony of the fourth degree.

(5) Whoever violates division (A) of this section in removal proceedings under section 319.26, 321.37, 507.13, or 733.78 of the Revised Code is guilty of falsification regarding a removal proceeding, a felony of the third degree.

(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees,

court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

Sec. 2921.36. (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code, except for small amounts of wine for sacramental purposes when the person engaging in the specified conduct is a cleric, as defined in section 2317.02 of the Revised Code.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or

the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the department of mental health and addiction services or the department of developmental disabilities any item listed in division (A)(1), (2), or (3) of this section.

(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment.

(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device.

(F)(1) It is an affirmative defense to a charge under division (A)(1) of this section that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and, if the weapon or dangerous ordnance in question was a firearm, that it was unloaded and was being carried in a closed

package, box, or case or in a compartment that can be reached only by leaving the vehicle.

(2) It is an affirmative defense to a charge under division (C) of this section that the actor was not otherwise prohibited by law from delivering the item to the confined person, the child, the prisoner, or the patient and that either of the following applies:

(a) The actor was permitted by the written rules of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(b) The actor was given written authorization by the person in charge of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(G)(1) Whoever violates division (A)(1) of this section or commits a violation of division (C) of this section involving an item listed in division (A)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a specified governmental facility, a felony of the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or the department of youth services, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

(2) Whoever violates division (A)(2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a

felony of the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or of the department of youth services, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

~~(5) Whoever~~(5)(a) Except as provided in division (G)(5)(b) of this section, whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a ~~misdemeanor~~ felony of the ~~first~~ fifth degree, or if the offender previously has been convicted of or pleaded guilty to a violation of division (E) of this section, a felony of the ~~fifth~~ third degree.

(b) If the offender is an officer or employee of the department of rehabilitation and correction or the department of youth services, a violation of division (E) of this section is a felony of the third degree, and the court shall impose a

mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, ~~except for those exempted in~~ unless division (D)(4) of this

section applies to the testing equipment;

(6) A scale or balance for weighing or measuring a controlled substance;

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;

(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;

(11) A container or device for storing or concealing a controlled substance;

(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;

(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

(3) The proximity of the equipment, product, or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product, or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product, or material;

(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;

(12) Expert testimony concerning the use of the equipment, product, or material.

(C)(1) Subject to divisions (D)(2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.

(D)(1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose

conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code.

(2) Division (C)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(3) Division (B)(2) of section 2925.11 of the Revised Code applies with respect to a violation of division (C)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(4) Division (C)(1) of this section does not apply to a person's use, or possession with purpose to use, ~~any~~ drug testing strips to determine the presence of fentanyl or a fentanyl-related compound or any other equipment, product, or material approved by the state board of pharmacy, in rules adopted under section 4729.261 of the Revised Code, as a type of instrument that demonstrates efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds.

(E) Notwithstanding Chapter 2981. of the Revised Code, any drug paraphernalia that was used, possessed, sold, or

manufactured in a violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to division (B) of section 2981.12 of the Revised Code.

(F)(1) Whoever violates division (C)(1) of this section is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in division (F)(3) of this section, whoever violates division (C)(2) of this section is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates division (C)(2) of this section by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates division (C)(3) of this section is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(G)(1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any

other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (G)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2927.02. (A) As used in this section and sections 2927.021 to 2927.024 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to division (A)(2)(b) of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(4) "Characterizing flavor" means any taste or smell other than the taste or smell of tobacco. "Characterizing flavor" includes the taste or smell of menthol, chocolate, cocoa, vanilla, honey, or mint, or any fruit, candy, dessert, alcoholic beverage, herb, or spice.

(5) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

~~(5)~~ (6) "Electronic smoking device" means any device that

can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes ~~any substance intended to be aerosolized or vaporized during the use of the device~~ electronic liquids. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

~~(6)~~ (7) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is twenty-one years of age or older.

~~(7)~~ (8) "Electronic liquid" means any solution containing nicotine, including synthetic nicotine, that is designed or sold for use with an electronic smoking device.

(9) "Flavored electronic liquid" means any electronic liquid with a characterizing flavor.

(10) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt

or hemp wraps, and electronic liquids ~~used in electronic smoking devices, whether or not they contain nicotine~~. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

~~(8)~~ (11) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.

~~(9)~~ (12) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used

to roll cigarettes:

(a) To any person under twenty-one years of age; or

(b) Without first verifying proof of age.

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;

(7) Allow an employee under eighteen years of age to sell

any tobacco product;

(8) Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products, or alternative nicotine products;

(9) Give away, sell, offer for sale, advertise for sale, display, or market any flavored electronic liquid.

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(D) The following are affirmative defenses to a charge under division (B)(1) of this section:

(1) The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

(E)(1) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:

(a) The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the

person under twenty-one years of age participating in the research protocol.

(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

(c) The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.

(2) It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product.

(F)(1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:

(a) Alternative nicotine products;

(b) Papers used to roll cigarettes;

(c) Tobacco products other than cigarettes.

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in divisions (F)(1)(a) to (c) of this section.

(G) Whoever violates division (B)(1), (2), (4), (5), (6), (7), ~~or~~ (8), or (9), (C), or (F) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted

of or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(H)(1) Notwithstanding division (A)(2) of section 2929.28 of the Revised Code, if an offender is convicted of or pleads guilty to a violation of division (B)(1) of this section, the court shall impose a fine in the following amount:

(a) Except as otherwise provided in divisions (H)(1)(b), (c), (d), and (e) of this section, not more than two hundred fifty dollars;

(b) Except as otherwise provided in divisions (H)(1)(c), (d), and (e) of this section, if an offender has previously been convicted of or pleaded guilty to a violation of division (B)(1) of this section, not more than five hundred dollars;

(c) Except as otherwise provided in divisions (H)(1)(d) and (e) of this section, if an offender previously has been convicted of or pleaded guilty to two or more violations of division (B)(1) of this section, five hundred dollars;

(d) Except as otherwise provided in division (H)(1)(e) of this section, if an offender previously has been convicted of or pleaded guilty to three or more violations of division (B)(1) of this section, one thousand dollars;

(e) If an offender previously has been convicted of or pleaded guilty to four or more violations of division (B)(1) of this section, one thousand five hundred dollars.

(2) The financial sanctions required by division (H)(1) of this section are in lieu of the financial sanctions described in division (A)(2) of section 2929.28 of the Revised Code, but are in addition to any other sanctions or penalties that may apply

to the offender, including other financial sanctions under that section or a jail term under section 2929.24 of the Revised Code.

(I) Whoever violates division (B)(3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(3) of this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(J) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code.

Sec. 2927.11. (A) No person, without privilege to do so, shall purposely deface, damage, pollute, or otherwise physically mistreat any of the following:

(1) The flag of the United States or of this state;

(2) Any public monument;

(3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing, or site

of great historical or archaeological interest;

(4) A place of worship, its furnishings, or religious artifacts or sacred texts within the place of worship or within the grounds upon which the place of worship is located;

(5) A work of art or museum piece;

(6) Any burial site under section 149.3010 of the Revised Code;

(7) Any other object of reverence or sacred devotion.

(B) Whoever violates this section is guilty of desecration. A violation of division (A)(1), (2), (3), (5), ~~or~~ (6), or (7) of this section is a misdemeanor of the second degree. Except as otherwise provided in this division, a violation of division (A)(4) of this section is a felony of the fifth degree that is punishable by a fine of up to two thousand five hundred dollars in addition to the penalties specified for a felony of the fifth degree in sections 2929.13 to 2929.18 of the Revised Code. If the value of the property or the amount of physical harm involved in a violation of division (A)(4) of this section is five thousand dollars or more but less than one hundred thousand dollars, a violation of that division is a felony of the fourth degree. If the value of the property or the amount of physical harm involved in a violation of division (A)(4) of this section is one hundred thousand dollars or more, a violation of that division is a felony of the third degree.

(C) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains.

Sec. 2945.401. (A) A defendant found incompetent to stand

trial and committed pursuant to section 2945.39 of the Revised Code or a person found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code shall remain subject to the jurisdiction of the trial court pursuant to that commitment, and to the provisions of this section, until the final termination of the commitment as described in division (J)(1) of this section. If the jurisdiction is terminated under this division because of the final termination of the commitment resulting from the expiration of the maximum prison term or term of imprisonment described in division (J)(1)(b) of this section, the court or prosecutor may file an affidavit for the civil commitment of the defendant or person pursuant to Chapter 5122. or 5123. of the Revised Code.

(B) A hearing conducted under any provision of sections 2945.37 to 2945.402 of the Revised Code shall not be conducted in accordance with Chapters 5122. and 5123. of the Revised Code. Any person who is committed pursuant to section 2945.39 or 2945.40 of the Revised Code shall not voluntarily admit the person or be voluntarily admitted to a hospital or institution pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. All other provisions of Chapters 5122. and 5123. of the Revised Code regarding hospitalization or institutionalization shall apply to the extent they are not in conflict with this chapter. A commitment under section 2945.39 or 2945.40 of the Revised Code shall not be terminated and the conditions of the commitment shall not be changed except as otherwise provided in division (D)(2) of this section with respect to a person with an intellectual disability subject to institutionalization by court order or except by order of the trial court.

(C) The department of mental health and addiction services

or the institution, facility, or program to which a defendant or person has been committed under section 2945.39 or 2945.40 of the Revised Code shall report in writing to the trial court, at the times specified in this division, as to whether the defendant or person remains a person with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order and, in the case of a defendant committed under section 2945.39 of the Revised Code, as to whether the defendant remains incompetent to stand trial. The department, institution, facility, or program shall make the reports after the initial six months of treatment and every two years after the initial report is made. The trial court shall provide copies of the reports to the prosecutor and to the counsel for the defendant or person. Within thirty days after its receipt pursuant to this division of a report from the department, institution, facility, or program, the trial court shall hold a hearing on the continued commitment of the defendant or person or on any changes in the conditions of the commitment of the defendant or person. The defendant or person may request a change in the conditions of confinement, and the trial court shall conduct a hearing on that request if six months or more have elapsed since the most recent hearing was conducted under this section.

(D)(1) Except as otherwise provided in division (D)(2) of this section, when a defendant or person has been committed under section 2945.39 or 2945.40 of the Revised Code, at any time after evaluating the risks to public safety and the welfare of the defendant or person, the designee of the department of mental health and addiction services or the managing officer of the institution or director of the facility or program to which the defendant or person is committed may recommend a termination

of the defendant's or person's commitment or a change in the conditions of the defendant's or person's commitment.

Except as otherwise provided in division (D)(2) of this section, if the designee of the department of mental health and addiction services recommends on-grounds unsupervised movement, off-grounds supervised movement, or nonsecured status for the defendant or person or termination of the defendant's or person's commitment, the following provisions apply:

(a) If the department's designee recommends on-grounds unsupervised movement or off-grounds supervised movement, the department's designee shall file with the trial court an application for approval of the movement and shall send a copy of the application to the prosecutor. Within fifteen days after receiving the application, the prosecutor may request a hearing on the application and, if a hearing is requested, shall so inform the department's designee. If the prosecutor does not request a hearing within the fifteen-day period, the trial court shall approve the application by entering its order approving the requested movement or, within five days after the expiration of the fifteen-day period, shall set a date for a hearing on the application. If the prosecutor requests a hearing on the application within the fifteen-day period, the trial court shall hold a hearing on the application within thirty days after the hearing is requested. If the trial court, within five days after the expiration of the fifteen-day period, sets a date for a hearing on the application, the trial court shall hold the hearing within thirty days after setting the hearing date. At least fifteen days before any hearing is held under this division, the trial court shall give the prosecutor written notice of the date, time, and place of the hearing. At the conclusion of each hearing conducted under this division, the

trial court either shall approve or disapprove the application and shall enter its order accordingly.

(b) If the department's designee recommends termination of the defendant's or person's commitment at any time or if the department's designee recommends the first of any nonsecured status for the defendant or person, the department's designee shall send written notice of this recommendation to the trial court ~~and to the local forensic center~~. ~~The local forensic center~~ The trial court shall set a date for the hearing not later than thirty days after the date that the trial court receives the written notice. The trial court shall notify the prosecutor and counsel for the defendant or person of the hearing.

(i) Upon receiving notice of the hearing, the prosecutor may request an independent evaluation of the defendant's mental condition. The trial court may continue the hearing for the evaluation requested by the prosecutor or for other good cause.

If the prosecutor requests an independent evaluation of the defendant's or person's mental condition, the trial court shall order an evaluation of the defendant's or person's mental condition. The trial court shall send an examiner a copy of the order for an evaluation and the written notice of the recommendation of the department's designee and notify the examiner of the hearing.

Upon receipt of the copy of the order for an evaluation and the written notice of the recommendation of the department's designee, the examiner shall evaluate the committed defendant or person and, within thirty days after its receipt of the order and written notice, shall submit to the trial court and the department's designee a written report of the evaluation. The

trial court shall provide a copy of the department's designee's written notice and of the ~~local forensic center's~~ examiner's written report to the prosecutor and to the counsel for the defendant or person. Upon the ~~local forensic center's~~ examiner's submission of the report to the trial court and the department's designee, all of the following apply:

~~(i)~~ (I) If the ~~forensic center~~ examiner disagrees with the recommendation of the department's designee, it shall inform the department's designee and the trial court of its decision and the reasons for the decision. The department's designee, after consideration of the ~~forensic center's~~ examiner's decision, shall either withdraw, proceed with, or modify and proceed with the recommendation. If the department's designee proceeds with, or modifies and proceeds with, the recommendation, the department's designee shall proceed in accordance with division ~~(D)(1)(b)(iii)~~ (D)(1)(b)(i)(III) of this section.

~~(ii)~~ (II) If the ~~forensic center~~ examiner agrees with the recommendation of the department's designee, it shall inform the department's designee and the trial court of its decision and the reasons for the decision, and the department's designee shall proceed in accordance with division ~~(D)(1)(b)(iii)~~ (D)(1)(b)(i)(III) of this section.

~~(iii)~~ (III) If the ~~forensic center~~ examiner disagrees with the recommendation of the department's designee and the department's designee proceeds with, or modifies and proceeds with, the recommendation or if the ~~forensic center~~ examiner agrees with the recommendation of the department's designee, the department's designee shall work with community mental health services providers, programs, facilities, or boards of alcohol, drug addiction, and mental health services ~~or community mental~~

~~health boards~~ to develop a plan to implement the recommendation. If the defendant or person is on medication, the plan shall include, but shall not be limited to, a system to monitor the defendant's or person's compliance with the prescribed medication treatment plan. The system shall include a schedule that clearly states when the defendant or person shall report for a medication compliance check. The medication compliance checks shall be based upon the effective duration of the prescribed medication, taking into account the route by which it is taken, and shall be scheduled at intervals sufficiently close together to detect a potential increase in mental illness symptoms that the medication is intended to prevent.

The department's designee, after consultation with the board of alcohol, drug addiction, and mental health services ~~or the community mental health board~~ serving the area, shall send the recommendation and plan developed under division ~~(D)(1)(b)(iii)~~ (D)(1)(b)(i)(III) of this section, in writing, to the trial court, the prosecutor, and the counsel for the committed defendant or person.

The trial court shall conduct a hearing on the recommendation and plan developed under division ~~(D)(1)(b)(iii)~~ (D)(1)(b)(i)(III) of this section. Divisions ~~(D)(1)(c) and (d) and~~ (E) to (J) of this section apply regarding the hearing.

~~(c) If the department's designee's recommendation is for nonsecured status or termination of commitment, the prosecutor may obtain an independent expert evaluation of the defendant's or person's mental condition, and the trial court may continue the hearing on the recommendation for a period of not more than thirty days to permit time for the evaluation.~~

The prosecutor may introduce the written report of the

independent evaluation ~~report~~ or present other evidence at the hearing in accordance with the Rules of Evidence.

~~(d) The trial court shall schedule the hearing on a department's designee's recommendation for nonsecured status or termination of commitment and shall give reasonable notice to the prosecutor and the counsel for the defendant or person. Unless continued for independent evaluation at the prosecutor's request or for other good cause, the hearing shall be held within thirty days after the trial court's receipt of the recommendation and plan.~~

(ii) If the prosecutor does not request an independent evaluation of the defendant's or person's mental condition, the trial court shall hold the hearing on the department's designee's recommendation and shall consider the department's, institution's, facility's, or program's most recent written report issued under division (C) of this section.

(2)(a) Division (D)(1) of this section does not apply to on-grounds unsupervised movement of a defendant or person who has been committed under section 2945.39 or 2945.40 of the Revised Code, who is a person with an intellectual disability subject to institutionalization by court order, and who is being provided residential habilitation, care, and treatment in a facility operated by the department of developmental disabilities.

(b) If, pursuant to section 2945.39 of the Revised Code, the trial court commits a defendant who is found incompetent to stand trial and who is a person with an intellectual disability subject to institutionalization by court order, if the defendant is being provided residential habilitation, care, and treatment in a facility operated by the department of developmental

disabilities, if an individual who is conducting a survey for the department of health to determine the facility's compliance with the certification requirements of the medicaid program cites the defendant's receipt of the residential habilitation, care, and treatment in the facility as being inappropriate under the certification requirements, if the defendant's receipt of the residential habilitation, care, and treatment in the facility potentially jeopardizes the facility's continued receipt of federal medicaid moneys, and if as a result of the citation the chief clinical officer of the facility determines that the conditions of the defendant's commitment should be changed, the department of developmental disabilities may cause the defendant to be removed from the particular facility and, after evaluating the risks to public safety and the welfare of the defendant and after determining whether another type of placement is consistent with the certification requirements, may place the defendant in another facility that the department selects as an appropriate facility for the defendant's continued receipt of residential habilitation, care, and treatment and that is a no less secure setting than the facility in which the defendant had been placed at the time of the citation. Within three days after the defendant's removal and alternative placement under the circumstances described in division (D)(2)(b) of this section, the department of developmental disabilities shall notify the trial court and the prosecutor in writing of the removal and alternative placement.

The trial court shall set a date for a hearing on the removal and alternative placement, and the hearing shall be held within twenty-one days after the trial court's receipt of the notice from the department of developmental disabilities. At least ten days before the hearing is held, the trial court shall

give the prosecutor, the department of developmental disabilities, and the counsel for the defendant written notice of the date, time, and place of the hearing. At the hearing, the trial court shall consider the citation issued by the individual who conducted the survey for the department of health to be prima-facie evidence of the fact that the defendant's commitment to the particular facility was inappropriate under the certification requirements of the medicaid program and potentially jeopardizes the particular facility's continued receipt of federal medicaid moneys. At the conclusion of the hearing, the trial court may approve or disapprove the defendant's removal and alternative placement. If the trial court approves the defendant's removal and alternative placement, the department of developmental disabilities may continue the defendant's alternative placement. If the trial court disapproves the defendant's removal and alternative placement, it shall enter an order modifying the defendant's removal and alternative placement, but that order shall not require the department of developmental disabilities to replace the defendant for purposes of continued residential habilitation, care, and treatment in the facility associated with the citation issued by the individual who conducted the survey for the department of health.

(E) In making a determination under this section regarding nonsecured status or termination of commitment, the trial court shall consider all relevant factors, including, but not limited to, all of the following:

(1) Whether, in the trial court's view, the defendant or person currently represents a substantial risk of physical harm to the defendant or person or others;

(2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person;

(3) Whether the defendant or person has insight into the defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed;

(4) The grounds upon which the state relies for the proposed commitment;

(5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society;

(6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered.

(F) At any hearing held pursuant to division (C) or (D)(1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code.

(G) In a hearing held pursuant to division (C) or (D)(1) of this section, the prosecutor has the burden of proof as follows:

(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person remains a person with a mental illness subject to court order or a person with an intellectual disability subject to

institutionalization by court order;

(2) For a recommendation for a change in the conditions of the commitment to a less restrictive status, to show by clear and convincing evidence that the proposed change represents a threat to public safety or a threat to the safety of any person.

(H) In a hearing held pursuant to division (C) or (D)(1) or (2) of this section, the prosecutor shall represent the state or the public interest.

(I) At the conclusion of a hearing conducted under division (D)(1) of this section regarding a recommendation from the designee of the department of mental health and addiction services, managing officer of the institution, or director of a facility or program, the trial court may approve, disapprove, or modify the recommendation and shall enter an order accordingly.

(J)(1) A defendant or person who has been committed pursuant to section 2945.39 or 2945.40 of the Revised Code continues to be under the jurisdiction of the trial court until the final termination of the commitment. For purposes of division (J) of this section, the final termination of a commitment occurs upon the earlier of one of the following:

(a) The defendant or person no longer is a person with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order, as determined by the trial court;

(b) The expiration of the maximum prison term or term of imprisonment that the defendant or person could have received if the defendant or person had been convicted of the most serious offense with which the defendant or person is charged or in relation to which the defendant or person was found not guilty

by reason of insanity;

(c) The trial court enters an order terminating the commitment under the circumstances described in division (J)(2)(a)(ii) of this section.

(2)(a) If a defendant is found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code, if neither of the circumstances described in divisions (J)(1)(a) and (b) of this section applies to that defendant, and if a report filed with the trial court pursuant to division (C) of this section indicates that the defendant presently is competent to stand trial or if, at any other time during the period of the defendant's commitment, the prosecutor, the counsel for the defendant, or the designee of the department of mental health and addiction services or the managing officer of the institution or director of the facility or program to which the defendant is committed files an application with the trial court alleging that the defendant presently is competent to stand trial and requesting a hearing on the competency issue or the trial court otherwise has reasonable cause to believe that the defendant presently is competent to stand trial and determines on its own motion to hold a hearing on the competency issue, the trial court shall schedule a hearing on the competency of the defendant to stand trial, shall give the prosecutor, the counsel for the defendant, and the department's designee or the managing officer of the institution or the director of the facility to which the defendant is committed notice of the date, time, and place of the hearing at least fifteen days before the hearing, and shall conduct the hearing within thirty days of the filing of the application or of its own motion. If, at the conclusion of the hearing, the trial court determines that the defendant presently is capable of understanding the nature and objective

of the proceedings against the defendant and of assisting in the defendant's defense, the trial court shall order that the defendant is competent to stand trial and shall be proceeded against as provided by law with respect to the applicable offenses described in division (C)(1) of section 2945.38 of the Revised Code and shall enter whichever of the following additional orders is appropriate:

(i) If the trial court determines that the defendant remains a person with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order, the trial court shall order that the defendant's commitment to the department of mental health and addiction services or to an institution, facility, or program for the treatment of intellectual disabilities be continued during the pendency of the trial on the applicable offenses described in division (C)(1) of section 2945.38 of the Revised Code.

(ii) If the trial court determines that the defendant no longer is a person with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order, the trial court shall order that the defendant's commitment to the department of mental health and addiction services or to an institution, facility, or program for the treatment of intellectual disabilities shall not be continued during the pendency of the trial on the applicable offenses described in division (C)(1) of section 2945.38 of the Revised Code. This order shall be a final termination of the commitment for purposes of division (J)(1)(c) of this section.

(b) If, at the conclusion of the hearing described in division (J)(2)(a) of this section, the trial court determines

that the defendant remains incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, the trial court shall order that the defendant continues to be incompetent to stand trial, that the defendant's commitment to the department of mental health and addiction services or to an institution, facility, or program for the treatment of intellectual disabilities shall be continued, and that the defendant remains subject to the jurisdiction of the trial court pursuant to that commitment, and to the provisions of this section, until the final termination of the commitment as described in division (J)(1) of this section.

Sec. 2953.32. (A)(1) Sections 2953.32 ~~to~~ and 2953.34 of the Revised Code do not apply to any of the following:

(a) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;

(b) Convictions of a felony offense of violence that is not a sexually oriented offense;

(c) Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008;

(d) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;

(e) Convictions of a felony of the first or second degree;

(f) Except as provided in division (A)(2) of this section, convictions for a violation of section 2919.25 or 2919.27 of the Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to either section;

(g) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.

(2) Sections 2953.32 to 2953.34 of the Revised Code apply to a conviction for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the fourth degree for purposes of sealing, but not for purposes of expungement of the record of the case.

(B)(1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (B)(1)(a)(iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed in division (A)(1) of this section. Application may be made at whichever of the following times is applicable regarding the offense:

(a) An application for sealing under this section may be made at whichever of the following times is applicable regarding the offense:

(i) Except as otherwise provided in division (B)(1)(a)(iv) of this section, at the expiration of three years after the

offender's final discharge if convicted of one or two felonies of the third degree, so long as none of the offenses is a violation of section 2921.43 of the Revised Code;

(ii) Except as otherwise provided in division (B)(1)(a)(iv) of this section, at the expiration of one year after the offender's final discharge if convicted of one or more felonies of the fourth or fifth degree or one or more misdemeanors, so long as none of the offenses is a violation of section 2921.43 of the Revised Code or a felony offense of violence;

(iii) At the expiration of seven years after the offender's final discharge if the record includes one or more convictions of soliciting improper compensation in violation of section 2921.43 of the Revised Code;

(iv) If the offender was subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008, at the expiration of five years after the requirements have ended under section 2950.07 of the Revised Code or section 2950.07 of the Revised Code as it existed prior to January 1, 2008, or are terminated under section 2950.15 or 2950.151 of the Revised Code;

(v) At the expiration of six months after the offender's final discharge if convicted of a minor misdemeanor.

(b) An application for expungement under this section may be made at whichever of the following times is applicable regarding the offense:

(i) Except as otherwise provided in division (B)(1)(b)(ii) of this section, if the offense is a misdemeanor, at the expiration of one year after the offender's final discharge;

(ii) If the offense is a minor misdemeanor, at the expiration of six months after the offender's final discharge;

(iii) If the offense is a felony, at the expiration of ten years after the time specified in division (B)(1)(a) of this section at which the person may file an application for sealing with respect to that felony offense.

(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing or expungement of the record of the case that pertains to the charge. Except as provided in section 2953.61 of the Revised Code, the application may be filed at whichever of the following times is applicable regarding the offense:

(a) An application for sealing under this section may be made at any time after the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first.

(b) An application for expungement under this section may be made at whichever of the following times is applicable regarding the offense:

(i) Except as provided in division (B)(2)(b)(ii) of this section, at any time after the expiration of one year from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first;

(ii) If the offense is a minor misdemeanor, at any time after the expiration of six months from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first.

(C) Upon the filing of an application under this section, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application not less than sixty days prior to the hearing. Pursuant to the Ohio Constitution, the prosecutor shall provide timely notice of the application and the date and time of the hearing to a victim and victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case. The court shall hold the hearing not less than forty-five days and not more than ninety days from the date of the filing of the application. The prosecutor may object to the granting of the application by filing a written objection with the court not later than thirty days prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The victim, victim's representative, and victim's attorney, if applicable, may be present and heard orally, in writing, or both at any hearing under this section. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The probation officer or county department of probation that the court directs to make inquiries and written reports as the court requires concerning the applicant shall determine whether or not the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code. If the applicant was so fingerprinted, the probation officer or county department of probation shall include with the written report a record of the applicant's fingerprints. If the applicant was convicted of or pleaded guilty to a violation of division (A)(2) or (B) of section 2919.21 of the Revised Code, the probation officer or

county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

(D)(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant is pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, and determine whether the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that is applicable with respect to the application and the subject offense;

(b) Determine whether criminal proceedings are pending against the applicant;

(c) Determine whether the applicant has been rehabilitated to the satisfaction of the court;

(d) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;

(f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if

any, of the government to maintain those records;

(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;

(h) If the applicant was an eligible offender of the type described in division (A)(3) of section 2953.36 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment of the offender;

(v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (D)(1) of this section, that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, that the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that is applicable with respect to the application and the subject offense, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged are not outweighed by any legitimate governmental needs to maintain

those records, and that the rehabilitation of the applicant has been attained to the satisfaction of the court, both of the following apply:

(a) The court, except as provided in division (D)(4) or (5) of this section or division (D), (F), or (G) of section 2953.34 of the Revised Code, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed if the application was for sealing or expunged if the application was for expungement and, except as provided in division (C) of section 2953.34 of the Revised Code, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case.

(b) The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings shall be sealed if the application was for sealing or expunged if the application was for expungement, except that upon conviction of a subsequent offense, a sealed record of prior conviction or bail forfeiture may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31, 2953.32, and 2953.34 of the Revised Code.

(3) An applicant may request the sealing or expungement of the records of more than one case in a single application under this section. Upon the filing of an application under this section, the applicant, unless the applicant presents a poverty affidavit showing that the applicant is indigent, shall pay an application fee of fifty dollars and may pay a local court fee of not more than fifty dollars, regardless of the number of

records the application requests to have sealed or expunged. If the applicant pays a fee, the court shall pay three-fifths of the fee collected into the state treasury, with half of that amount credited to the attorney general reimbursement fund created by section 109.11 of the Revised Code. If the applicant pays a fee, the court shall pay two-fifths of the fee collected into the county general revenue fund if the sealed or expunged conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of the municipal corporation involved if the sealed or expunged conviction or bail forfeiture was pursuant to a municipal ordinance.

(4) If the court orders the official records pertaining to the case sealed or expunged, the court shall do one of the following:

(a) If the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code and the record of the applicant's fingerprints was provided to the court under division (C) of this section, forward a copy of the sealing or expungement order and the record of the applicant's fingerprints to the bureau of criminal identification and investigation.

(b) If the applicant was not fingerprinted at the time of arrest or under section 109.60 of the Revised Code, or the record of the applicant's fingerprints was not provided to the court under division (C) of this section, but fingerprinting was required for the offense, order the applicant to appear before a sheriff to have the applicant's fingerprints taken according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation. The sheriff shall forward the applicant's

fingerprints to the court. The court shall forward the applicant's fingerprints and a copy of the sealing or expungement order to the bureau of criminal identification and investigation.

Failure of the court to order fingerprints at the time of sealing or expungement does not constitute a reversible error.

(5) Notwithstanding any other provision of the Revised Code to the contrary, when the bureau of criminal identification and investigation receives notice from a court that the record of a conviction or bail forfeiture has been expunged under this section, the bureau of criminal identification and investigation shall maintain a record of the expunged conviction record for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement. The bureau of criminal identification and investigation shall not be compelled by the court to destroy, delete, or erase those records so that the records are permanently irretrievable. These records may only be disclosed or provided to law enforcement for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement.

When any other entity other than the bureau of criminal identification and investigation receives notice from a court that the record of a conviction or bail forfeiture has been expunged under this section, the entity shall destroy, delete, and erase the record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

Sec. 2967.12. (A) Except as provided in division (G) of this section, at least sixty days before the adult parole authority recommends any pardon or commutation of sentence, or

grants any parole, the authority shall provide a notice of the pendency of the pardon, commutation, or parole, setting forth the name of the person on whose behalf it is made, the offense of which the person was convicted or to which the person pleaded guilty, the time of conviction or the guilty plea, and the term of the person's sentence, to the prosecuting attorney and the judge of the court of common pleas of the county in which the indictment against the person was found. If there is more than one judge of that court of common pleas, the authority shall provide the notice to the presiding judge. Upon the request of the prosecuting attorney or of any law enforcement agency, the authority shall provide to the requesting prosecuting attorney and law enforcement agencies an institutional summary report that covers the subject person's participation while confined in a state correctional institution in training, work, and other rehabilitative activities and any disciplinary action taken against the person while so confined. The department of rehabilitation and correction may utilize electronic means to provide this notice. The department of rehabilitation and correction, at the same time that it provides the notice to the prosecuting attorney and judge under this division, also shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A)(1)(c)(iii) of that section.

(B) If a request for notification has been made pursuant to section 2930.16 of the Revised Code or if division (H) of this section applies, the office of victim services or the adult parole authority also shall provide notice to the victim or the victim's representative at least sixty days prior to recommending any pardon or commutation of sentence for, or granting any parole to, the person. The notice shall include the

information required by division (A) of this section and may be provided by telephone or through electronic means. The notice also shall inform the victim or the victim's representative that the victim or representative may send a written statement relative to the victimization and the pending action to the adult parole authority and that, if the authority receives any written statement prior to recommending a pardon or commutation or granting a parole for a person, the authority will consider the statement before it recommends a pardon or commutation or grants a parole. All written and oral statements provided by a victim or victim's representative to the department of rehabilitation and correction in connection with the pendency of any pardon, commutation, or parole are confidential and privileged and are not subject to subpoena or discovery, admissible in evidence in any action, or public records under section 149.43 of the Revised Code.

If the person is being considered for parole, the notice shall inform the victim or the victim's representative that a full board hearing of the parole board may be held and that the victim or victim's representative may contact the office of victims' services for further information. If the person being considered for parole was convicted of or pleaded guilty to a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the notice shall inform the victim of that offense, the victim's representative, or a member of the victim's immediate family that the victim, the victim's representative, and the victim's immediate family have the right to give testimony at a full board hearing of the parole board and that the victim or victim's representative may contact the

office of victims' services for further information.

(C) When notice of the pendency of any pardon, commutation of sentence, or parole has been provided to a judge or prosecutor or posted on the database as required in division (A) of this section and a hearing on the pardon, commutation, or parole is continued to a date certain, the authority shall provide notice of the further consideration of the pardon, commutation, or parole at least sixty days before the further consideration. The notice of the further consideration shall be provided to the proper judge and prosecuting attorney at least sixty days before the further consideration, and may be provided using electronic means, and, if the initial notice was posted on the database as provided in division (A) of this section, the notice of the further consideration shall be posted on the database at least sixty days before the further consideration. If the prosecuting attorney or a law enforcement agency was provided a copy of the institutional summary report relative to the subject person under division (A) of this section, the authority shall include with the notice of the further consideration sent to the prosecuting attorney any new information with respect to the person that relates to activities and actions of the person that are of a type covered by the report and shall send to the law enforcement agency a report that provides notice of the further consideration and includes any such new information with respect to the person. When notice of the pendency of any pardon, commutation, or parole has been given as provided in division (B) of this section and the hearing on it is continued to a date certain, the authority shall give notice of the further consideration to the victim or the victim's representative in accordance with section 2930.03 of the Revised Code.

(D) In case of an application for the pardon or commutation of sentence of a person sentenced to capital punishment, the governor may modify the requirements of notification and publication if there is not sufficient time for compliance with the requirements before the date fixed for the execution of sentence.

(E) If an offender is serving a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and if the parole board terminates its control over the offender's service of that term pursuant to section 2971.04 of the Revised Code, the parole board immediately shall provide written notice of its termination of control or the transfer of control to the entities and persons specified in section 2971.04 of the Revised Code.

(F) The failure of the adult parole authority to comply with the notice or posting provisions of division (A), (B), or (C) of this section or the failure of the parole board to comply with the notice provisions of division (E) of this section do not give any rights or any grounds for appeal or post-conviction relief to the person serving the sentence.

(G) Divisions (A), (B), and (C) of this section do not apply to any release of a person that is of the type described in division (B)(2)(b) of section 5120.031 of the Revised Code.

(H) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (B) of this section shall be given to the victim or victim's representative

regardless of whether the victim or victim's representative has made a request for notification. The notice described in division (B) of this section shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. The notice described in division (B) of this section does not have to be given under this division to a victim or victim's representative if notice was given to the victim or victim's representative with respect to at least two prior considerations of pardon, commutation, or parole of a person and the victim or victim's representative did not provide any written statement relative to the victimization and the pending action, did not attend any hearing conducted relative to the pending action, and did not otherwise respond to the office with respect to the pending action. Regardless of whether the victim or victim's representative has requested that the notice described in division (B) of this section be provided or not be provided, the office of victim services or adult parole authority shall give similar notice to the law enforcement agency that arrested the defendant if any officer of that agency was a victim of the offense and to any member of the victim's immediate family who requests notification. If notice is to be given under this division, the office or authority may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D)(1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice to the victim or victim's representative also shall include the opt-out information described in division (D)(1) of section 2930.16 of the Revised Code. The office or authority, in accordance with

division (D)(2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (H) of this section, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (E)(1)(b) of section 2967.19 as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (H) of this section was enacted, shall be known as "Roberta's Law."

(I) In addition to and independent of the right of a victim to make a statement as described in division (A) of this section or pursuant to section 2930.17 of the Revised Code or to otherwise make a statement, the authority for a judge or prosecuting attorney to furnish statements and information, make recommendations, and give testimony as described in division (A) of this section, the right of a prosecuting attorney, judge, or victim to give testimony or submit a statement at a full parole board hearing pursuant to section 5149.101 of the Revised Code, and any other right or duty of a person to present information or make a statement, any person may send to the adult parole authority at any time prior to the authority's recommending a pardon or commutation or granting a parole for the offender a written statement relative to the offense and the pending action.

(J) As used in this section, "victim's immediate family" means the mother, father, spouse, sibling, or child of the victim, provided that in no case does "victim's immediate

family" include the offender with respect to whom the notice in question applies.

Sec. 2967.28. (A) As used in this section:

(1) "Monitored time" means the monitored time sanction specified in section 2929.17 and defined in section 2929.01 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.

(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.

(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.

(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.

(7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(B) Each sentence to a prison term, other than a term of

life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. For post-release control to be imposed, the offender must be committed to the department of rehabilitation and correction as set forth in section 5120.16 of the Revised Code. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms of a type described in this division, including a non-life felony indefinite prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized

under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a felony sex offense, five years;

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years;

(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months;

(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year.

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or (4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. For post-release control to be imposed, the offender must be committed to the department of rehabilitation and correction as set forth in section 5120.16 of the Revised Code. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(e) of section 2929.19 of the Revised

Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division.

(D)(1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose on a prisoner described in division (B) of this section, shall impose on a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, may impose on a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, and shall impose on a prisoner described in division (B)(2)(b) of section 5120.031 or in division (B)(1) of section 5120.032 of the Revised Code, one or more post-release control sanctions to apply during the prisoner's period of post-release control. Whenever the board or court imposes one or more post-release control sanctions on a prisoner, the board or court, in addition to imposing the sanctions, also shall include as a condition of the post-release control that the offender not leave the state without permission of the court or the offender's parole or probation officer and that the offender abide by the law. The board or court may impose any other conditions of release under a post-release control sanction that the board or court considers appropriate, and the conditions of release may include any community

residential sanction, community nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board or court shall review the prisoner's criminal history, results from the single validated risk assessment tool, and the record of the prisoner's conduct while imprisoned. The parole board or court shall consider any recommendation regarding post-release control sanctions for the prisoner made by the office of victims' services. After considering those materials, the board or court shall determine, for a prisoner described in division (B) of this section, division (B)(2)(b) of section 5120.031, or division (B)(1) of section 5120.032 of the Revised Code and for a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board or court shall presume that monitored time is the appropriate post-release control sanction unless the board or court determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's release from

imprisonment.

Regardless of whether the prisoner was sentenced to the prison term prior to, on, or after July 11, 2006, prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board shall notify the prisoner that, if the prisoner violates any sanction so imposed or any condition of post-release control described in division (B) of section 2967.131 of the Revised Code that is imposed on the prisoner, the parole board may impose a prison term of up to one-half of the stated prison term originally imposed on the prisoner.

At least thirty days before the prisoner is released from imprisonment under post-release control, except as otherwise provided in this paragraph, the department of rehabilitation and correction shall notify the victim and the victim's immediate family of the date on which the prisoner will be released, the period for which the prisoner will be under post-release control supervision, and the terms and conditions of the prisoner's post-release control regardless of whether the victim or victim's immediate family has requested the notification. The notice described in this paragraph shall not be given to a victim or victim's immediate family if the victim or the victim's immediate family has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the notice not be provided to the victim or the victim's immediate family. At least thirty days before the prisoner is released from imprisonment and regardless of whether the victim or victim's immediate family has requested that the notice described in this paragraph be provided or not be provided to the victim or the victim's immediate family, the department also shall provide notice of that nature to the prosecuting attorney in the case

and the law enforcement agency that arrested the prisoner if any officer of that agency was a victim of the offense.

If the notice given under the preceding paragraph to the victim or the victim's immediate family is based on an offense committed prior to March 22, 2013, and if the department of rehabilitation and correction has not previously successfully provided any notice to the victim or the victim's immediate family under division (B), (C), or (D) of section 2930.16 of the Revised Code with respect to that offense and the offender who committed it, the notice also shall inform the victim or the victim's immediate family that the victim or the victim's immediate family may request that the victim or the victim's immediate family not be provided any further notices with respect to that offense and the offender who committed it and shall describe the procedure for making that request. The department may give the notices to which the preceding paragraph applies by any reasonable means, including regular mail, telephone, and electronic mail. If the department attempts to provide notice to any specified person under the preceding paragraph but the attempt is unsuccessful because the department is unable to locate the specified person, is unable to provide the notice by its chosen method because it cannot determine the mailing address, electronic mail address, or telephone number at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the department shall make another attempt to provide the notice to the specified person. If the second attempt is unsuccessful, the department shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim or victim's immediate family, the notice shall include the opt-out

information described in this paragraph. The department, in the manner described in division (D)(2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D)(2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19 as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, division (A)(3)(b) of section 2967.26, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or 2967.194 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) After a prisoner is released from imprisonment and during the period of post-release control applicable to the

releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority or court may determine, based upon the review and in accordance with the standards established under division (E) of this section, that the releasee has satisfactorily complied with the sanctions imposed, and if such a determination is made, the authority may recommend a less restrictive sanction, reduce the period of post-release control, or, no sooner than the minimum period of time required under section 2967.16 of the Revised Code, recommend that the parole board or court terminate the duration of the period of post-release control. In no case shall the board or court reduce the duration of the period of control imposed for a felony sex offense described in division (B)(1) of this section.

(4) The department of rehabilitation and correction shall develop factors that the parole board or court shall consider in determining under division (D)(3) of this section whether to terminate the period of control imposed on a releasee.

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to two years for all prisoners described

in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions;

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;

(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:

(a) Classify violations according to the degree of

seriousness;

(b) Define the circumstances under which formal action by the parole board is warranted;

(c) Govern the use of evidence at violation hearings;

(d) Ensure procedural due process to an alleged violator;

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.

(F)(1) Whenever the parole board imposes one or more post-release control sanctions on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court

determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed on the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction on the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F)(3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. Except as otherwise provided in this division, if after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B)(2)(b) of section 2925.11 or a related provision of section

2925.12, 2925.14, or 2925.141 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense, as defined in that section, or violated section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code, the board or the court shall not impose any of the penalties described in this division based on the violation. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct. Unless a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this division shall not exceed one-half of the definite prison term that was the stated prison term originally imposed on the offender as part of this sentence or, with respect to a stated non-life felony indefinite prison term, one-half of the minimum prison term that was imposed as part of that stated prison term originally imposed on the offender. If a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division and the maximum cumulative prison term for all violations under this division shall not exceed the period of time not served in prison under the sentence imposed by the court. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as,

or be credited toward, the remaining period of post-release control. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If an offender is imprisoned for a felony committed while under post-release control supervision and is again released on post-release control for a period of time, the maximum cumulative prison term for all violations under this division shall not exceed one-half of the total stated prison terms of the earlier felony, reduced by any prison term administratively imposed by the parole board or court, plus one-half of the total stated prison term of the new felony.

(G)(1) If an offender is simultaneously subject to a period of parole under an indefinite or life sentence and a period of post-release control, or is simultaneously subject to two periods of post-release control, the period of supervision that expires last shall determine the length and form of supervision for all the periods and the related sentences.

(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.

(H)(1) A period of post-release control shall not be

imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 2969.13. All moneys that are collected pursuant to section 2929.32 of the Revised Code and required to be deposited in the crime victims recovery fund shall be credited ~~by the treasurer of state~~ to the fund. Any interest earned on the money in the fund shall be credited to the fund.

Sec. 3101.08. An ordained or licensed minister of any religious society or congregation within this state who is licensed to solemnize marriages, the governor or a former governor of this state, a judge of a county court in accordance with section 1907.18 of the Revised Code, a judge of a municipal court in accordance with section 1901.14 of the Revised Code, a probate judge in accordance with section 2101.27 of the Revised Code, the mayor of a municipal corporation anywhere within this state, the superintendent of Ohio deaf and blind education services, or any religious society in conformity with the rules of its church, may join together as husband and wife any persons who are not prohibited by law from being joined in marriage.

Sec. 3107.01. As used in sections 3107.01 to 3107.20 of the Revised Code:

(A) "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person,

as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation or effect.

(B) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(C) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(D) "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.

(E) "Child" means a son or daughter, whether by birth or by adoption.

(F) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(G) "Date of placement" means the date on which a child is living with the child's prospective adoptive parent and becomes eligible for adoption pursuant to statutory authority, judgment decree or court order, or as otherwise authorized by law.

(H) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(I) "Identifying information" means any of the following with regard to a person: first name, last name, maiden name, alias, social security number, address, telephone number, place

of employment, number used to identify the person for the purpose of the statewide education management information system established pursuant to section 3301.0714 of the Revised Code, and any other number federal or state law requires or permits to be used to identify the person.

(J) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(K) "Legal custodian" has the same meaning as in section 5103.16 of the Revised Code.

(L) "Legal custody" has the same meaning as in section 2151.011 of the Revised Code.

(M) "Minor" means a person under the age of eighteen years.

(N) "Parent" means a legally recognized natural or adoptive parent of a child.

(O) "Party" means a petitioner, adoptee, or any other person or agency that is part of an adoption proceeding and whose consent to the adoption is necessary but has not been obtained.

(P) "Permanent custody" has the same meaning as in section 2151.011 of the Revised Code.

(Q) "Placement" means the act by a public children services agency, a private child placing agency, or a parent who is utilizing an agency or attorney that is intended to arrange for the care or custody of a child in accordance with Chapter 5103. of the Revised Code.

(R) "Planned permanent living arrangement" has the same meaning as in section 2151.011 of the Revised Code.

(S) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:

(1) He is not married to the child's mother at the time of the child's conception or birth;

(2) He has not adopted the child;

(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state;

(4) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code.

Sec. 3107.012. (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the foster caregiver's foster child who ~~has resided~~ resides in the foster caregiver's home ~~for at least six months prior to the date the foster caregiver submits the application to the agency~~.

(B) The department of children and youth shall prescribe an application for a foster caregiver to use under division (A) of this section. The application shall not require that the foster caregiver provide any information the foster caregiver already provided the department, or undergo an inspection the foster caregiver already underwent, to obtain a foster home certificate under section 5103.03 of the Revised Code.

(C) An agency that receives an application prescribed under division (B) of this section from a foster caregiver authorized to use the application shall not require, as a condition of the agency accepting or approving the application, that the foster caregiver undergo a criminal records check under section 2151.86 of the Revised Code as a prospective adoptive parent. The agency shall inform the foster caregiver, in accordance with division (G) of section 2151.86 of the Revised Code, that the foster caregiver must undergo the criminal records check before a court may issue a final decree of adoption or interlocutory order of adoption under section 3107.14 of the Revised Code.

Sec. 3107.031. Except as otherwise provided in this section, an assessor shall conduct a home study for the purpose of ascertaining whether a person seeking to adopt a minor is suitable to adopt. A written report of the home study shall be filed with the court at least ten days before the petition for adoption is heard.

A person seeking to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to this section is guilty of the offense of falsification under section 2921.13 of the Revised Code, and such a home study shall not be filed with the court. If such a home study is filed with the court, the court may strike the home study from the court's records.

The report shall contain the opinion of the assessor as to whether the person who is the subject of the report is suitable to adopt a minor, any multiple children assessment required under section 3107.032 of the Revised Code, and other information and documents specified in rules adopted by the

director of children and youth under section 3107.033 of the Revised Code. The assessor shall not consider the person's age when determining whether the person is suitable to adopt if the person is old enough to adopt as provided by section 3107.03 of the Revised Code.

An assessor may request departments or agencies within or outside this state to assist in the home study as may be appropriate and to make a written report to be included with and attached to the report to the court. The assessor shall make similar home studies and reports on behalf of other assessors designated by the courts of this state or another place.

Upon order of the court, the costs of the home study and other proceedings shall be paid by the person seeking to adopt, and, if the home study is conducted by a public agency or public employee, the part of the cost representing any services and expenses shall be taxed as costs and paid into the state treasury or county treasury, as the court may direct.

On request, the assessor shall provide the person seeking to adopt a copy of the report of the home study. The assessor shall delete from that copy any provisions concerning the opinion of other persons, excluding the assessor, of the person's suitability to adopt a minor.

This section does not apply to a foster caregiver seeking to adopt the foster caregiver's foster child if the foster child ~~has resided~~ resides in the foster caregiver's home ~~for at least six months prior to the date~~ and the foster caregiver submits an application prescribed under division (B) of section 3107.012 of the Revised Code to the agency arranging the adoption.

Sec. 3107.033. The director of children and youth shall

adopt rules in accordance with Chapter 119. of the Revised Code specifying both of the following:

(A) The manner in which a home study is to be conducted and the information and documents to be included in a home study report, which shall include, pursuant to section 3107.034 of the Revised Code, a summary report of a search of the uniform statewide automated child welfare information system established in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a check of a central registry of another state if a request for a check of a central registry of another state is required under division (A) of section 3107.034 of the Revised Code. The director shall ensure that rules adopted under this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code.

(B) A procedure under which a person whose application for adoption has been denied as a result of a search of the uniform statewide automated child welfare information system established in section ~~5101.13~~ 5180.40 of the Revised Code as part of the home study may appeal the denial to the agency that employed the assessor who filed the report.

Sec. 3107.034. (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the administrative director of an agency, or attorney, who arranges the adoption for the prospective adoptive parent shall request a

check of the central registry of abuse and neglect of this state from the department of children and youth regarding the prospective adoptive parent or the person eighteen years of age or older who resides with the prospective adoptive parent to enable the agency or attorney to check any child abuse and neglect registry maintained by that other state. The administrative director or attorney shall make the request and shall review the results of the check before a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent may be made. Information received pursuant to the request shall be considered for purposes of this chapter as if it were a summary report required under section 3107.033 of the Revised Code. The department of children and youth shall comply with any request to check the central registry that is similar to the request described in this division and that is received from any other state.

(B) The summary report of a search of the uniform statewide automated child welfare information system established in section ~~5101.13~~ 5180.40 of the Revised Code that is required under section 3107.033 of the Revised Code shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which the person seeking to adopt is subject and in regards to which a public children services agency has done one of the following:

(1) Determined that abuse or neglect occurred;

(2) Initiated an investigation, and the investigation is ongoing;

(3) Initiated an investigation and the agency was unable to determine whether abuse or neglect occurred.

(C) The summary report required under section 3107.033 of the Revised Code shall not contain any of the following:

(1) An abuse and neglect determination of which the person seeking to adopt is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(D)(1) An application for adoption may be denied based on a summary report containing the information described under division (B)(1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B)(2) or (3) of this section.

Sec. 3107.062. (A)(1) The department of ~~job and family services~~ children and youth shall establish a putative father registry. To register, a putative father must complete a registration form prescribed under section 3107.065 of the Revised Code and submit it to the department. The registration form shall include the putative father's name; the name of the mother of the person he claims as his child; and the address or telephone number at which he wishes to receive, pursuant to

section 3107.11 of the Revised Code, notice of any petition that may be filed to adopt a minor he claims as his child.

(2) A putative father may register at any time. For the purpose of preserving the requirement of his consent to an adoption, a putative father shall register before or not later than fifteen days after the birth of the child. No fee shall be charged for registration.

(B) On receipt of a completed registration form, the department shall indicate on the form the date of receipt and file it in the putative father registry. The department shall maintain registration forms in a manner that enables it to access a registration form using either the name of the putative father or of the mother.

(C) The department of children and youth shall grant the office of child support in the department of job and family services and a child support enforcement agency access to the putative father registry for purposes of section 3111.69 of the Revised Code.

Sec. 3107.063. (A) An attorney arranging a minor's adoption, a mother, a public children services agency, a private noncustodial agency, or a private child placing agency may request at any time that the department of ~~job and family services~~ children and youth search the putative father registry to determine whether a man is registered as the minor's putative father. The request shall include the mother's name. On receipt of the request, the department shall search the registry. If the department determines that a man is registered as the minor's putative father, it shall provide the attorney, mother, or agency a certified copy of the man's registration form. If the department determines that no man is registered as the minor's

putative father, it shall provide the attorney, mother, or agency a certified written statement to that effect. The department shall specify in the statement the date the search request was submitted. No fee shall be charged for searching the registry.

Division (B) of section 3107.17 of the Revised Code does not apply to this section.

(B) If the department of ~~job and family services~~ children and youth provides a certified copy of a putative father's registration form pursuant to division (A) of this section, the department also shall provide a written notice to the putative father:

(1) That he may be the father of the minor he claims as his child on the registration form;

(2) That the minor is being or may be placed for adoption; and

(3) Of his right to consent or refuse to consent to the minor's adoption to the extent provided under Chapter 3107. of the Revised Code.

(C) The department shall provide the notice under this section not later than ten business days after the date it provides the certified copy of the registration form pursuant to division (A) of this section.

Sec. 3107.064. (A) Except as provided in division (B) of this section, a court shall not issue a final decree of adoption or finalize an interlocutory order of adoption unless the mother placing the minor for adoption or the agency or attorney arranging the adoption files with the court a certified document provided by the department of ~~job and family services~~ children

and youth under section 3107.063 of the Revised Code. The court shall not accept the document unless the date the department places on the document pursuant to that section is sixteen or more days after the date of the minor's birth.

(B) The document described in division (A) of this section is not required if any of the following apply:

(1) The mother was married at the time the minor was conceived or born;

(2) The parent placing the minor for adoption previously adopted the minor;

(3) Prior to the date a petition to adopt the minor is filed, a man has been determined to have a parent and child relationship with the minor by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state;

(4) The minor's father acknowledged paternity of the minor and that acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code;

(5) A public children services agency has permanent custody of the minor pursuant to Chapter 2151. or division (B) of section 5103.15 of the Revised Code after both parents lost or surrendered parental rights, privileges, and responsibilities over the minor.

Sec. 3107.065. Not later than ninety days after the effective date of this section, the director of ~~job and family services~~ children and youth shall do both of the following:

(A) Adopt rules in accordance with Chapter 119. of the Revised Code governing the putative father registry. The rules shall establish the registration form to be used by a putative father under section 3107.062 of the Revised Code.

(B) Establish a campaign to promote awareness of the putative father registry. The campaign shall include informational materials about the registry.

Sec. 3107.38. (A) As used in sections 3107.38 to 3107.394 of the Revised Code:

(1) "Adopted person" means a person who was adopted but is not an adopted person as defined in section 3107.45 of the Revised Code.

(2) "Adoption file" means a file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code.

(3) "Biological parent" means a parent, by birth, of a person who is, or is to become, an adopted person.

(4) "Biological parent's name redaction request form" means the form prescribed under section 3107.391 of the Revised Code.

(5) "Biological sibling" means a sibling, by birth, of a person who is, or is to become, an adopted person.

(6) "Contact preference form" means the form prescribed under section 3107.39 of the Revised Code.

(7) "File of releases" means the filing system for releases that former section 3107.40 of the Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly, required the department of health to maintain.

(8) "Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card.

(9) "Lineal descendant of an adopted person" means a person who by reason of blood or adoption is a lineal descendant of an adopted person.

(10) "Offspring" means a child, by birth, of a person.

(11) "Release" means both of the following:

(a) A release filed by a biological parent or biological sibling pursuant to former section 3107.40 of the Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly, that authorized the release of identifying information to the biological parent's offspring or the release of specified information to the biological sibling's adopted sibling pursuant to former section 3107.41 of the Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly;

(b) A withdrawal of release filed by a biological parent or biological sibling pursuant to former section 3107.40 of the Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly.

(B) Subject to division (C) of this section, an adopted person or lineal descendant of an adopted person may submit a written request to the department of health for the department to provide the adopted person or lineal descendant of an adopted person with a copy of the contents of the adopted person's adoption file. The request shall provide the requester's address

and notarized signature and be accompanied by two items of identification of the requester. If the requester is a lineal descendant of an adopted person, the request shall also provide notarized documentation evidencing the requester's relationship to the adopted person. On receipt of a request and payment of the fee required by section 3705.241 of the Revised Code, the department shall mail to the requester, at the address provided in the request, a copy of the contents of the adopted person's adoption file if the department has an adoption file, including all releases transferred to the adoption file pursuant to section 3107.381 of the Revised Code, for the adopted person. If the adoption file includes a biological parent's name redaction request form from a biological parent, the department shall redact the biological parent's name from the copy of the contents of the adoption file that is mailed to the requester. If the department removes the biological parent's name redaction request form from the adoption file pursuant to division ~~(D)~~ (A) of section 3107.391 of the Revised Code after the department mails the copy of the contents of the adoption file to the requester, the department shall mail to the requester another copy of the contents with the biological parent's name included.

(C) An adopted person or lineal descendant of an adopted person may not submit a request under this section until the adopted person or lineal descendant is at least eighteen years of age.

Sec. 3107.391. (A) ~~The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following:~~

~~(1) Information about the procedures and requirements for a biological parent to do either of the following:~~

~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~

~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~

~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~

~~(C)(1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on request. The department may accept a completed biological parent's name redaction request form only if all of the following apply:~~

~~(a) The form is submitted to the department not later than one year after the effective date of this section.~~

~~(b) The form has been notarized.~~

~~(c) The biological parent provides the department two items of identification of the biological parent.~~

~~(d) If a social and medical history for the biological parent was not previously prepared or such a history was prepared but should be corrected or expanded, the biological parent does the following as appropriate:~~

~~(i) Completes a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code;~~

~~(ii) Corrects or expands the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code.~~

~~(e) The department is satisfied that the form has been substantially completed.~~

~~(2) If the department determines that it may accept the biological parent's name redaction request form, it shall accept the form. As soon as the department identifies the adoption file of the adopted person to whom the form pertains, it shall place the form in that file.~~

~~(D)(1)~~ A biological parent who ~~has~~ had a biological parent's name redaction request form accepted ~~under division (C) of this section~~ by the department of health between March 20, 2014, and March 20, 2015, may request at any time that the department remove the form from the adoption file of the adopted person to whom the form pertains if the biological parent decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code. The department shall remove the form from the adoption file if the

biological parent provides the department all of the following:

~~(a)~~ (1) Two items of identification of the biological parent;

~~(b)~~ (2) Information the department needs to be able to identify the adoption file of the adopted person to whom the form pertains;

~~(c)~~ (3) A notarized attestation that the biological parent is the biological parent of the adopted person to whom the form pertains.

~~(2)~~ (B) When the department removes a biological parent's name redaction request form from an adoption file under division ~~(D)(1)~~ (A) of this section, the department shall destroy the form.

Sec. 3109.14. (A) As used in this section, "birth record" and "certification of birth" have the meanings given in section 3705.01 of the Revised Code.

(B)(1) The director of health, a person authorized by the director, a local commissioner of health, or a local registrar of vital statistics shall charge and collect a fee for each certified copy of a birth record, for each certification of birth, and for each copy of a death record. The fee shall be three dollars. The fee is in addition to the fee imposed by section 3705.24 or any other section of the Revised Code. A local commissioner of health or a local registrar of vital statistics may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the department of health.

The additional fees collected by the director of health or a person authorized by the director and the additional fees collected but not retained by a local commissioner of health or a local registrar of vital statistics shall be forwarded to the department of health not later than thirty days following the end of each quarter. Not later than two days after the fees are forwarded to the department each quarter, the department shall ~~pay~~ deposit the collected fees ~~to the treasurer of state in accordance with rules adopted by the treasurer of state under section 113.08 of the Revised Code~~in the state treasury to the credit of the children's trust fund. A person or government entity that fails to forward the fees in a timely manner, as determined by the department, shall send to the department, in addition to the fees, a penalty equal to ten per cent of the fees. The department also shall deposit any penalty received in the state treasury to the credit of the children's trust fund.

(2) Upon the filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, a court of common pleas shall charge and collect a fee. The fee shall be eleven dollars. The fee is in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state. The additional fees collected, but not retained, under division (B)(2) of this section shall be forwarded to the treasurer of state not later than twenty days following the end of each month.

The treasurer of state shall deposit the fees received under division (B)(2) of this section in the state treasury to the credit of the children's trust fund. A county clerk of

courts that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees. The treasurer of state also shall deposit any penalty received in the state treasury to the credit of the children's trust fund.

(C) ~~The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.~~

The children's trust fund is created in the state treasury. The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections 3109.13 to 3109.179 of the Revised Code.

Sec. 3109.171. For the purpose of administering child abuse and child neglect prevention programming and services

approved by the children's trust fund board, there are hereby created ~~the following eight~~ child abuse and child neglect prevention regions ~~in the state:~~

~~One region consisting of the following counties: Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~

~~One region consisting of the following counties: Ashtabula, Cuyahoga, Geauga, and Lake.~~

~~One region consisting of the following counties: Ashland, Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, and Wayne.~~

~~One region consisting of the following counties: Allen, Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble, and Shelby.~~

~~One region consisting of the following counties: Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Marion, Morrow, Pickaway, Richland, and Union.~~

~~One region consisting of the following counties: Belmont, Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, Muskingum, Noble, and Tuscarawas.~~

~~One region consisting of the following counties: Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, and Warren.~~

~~One region consisting of the following counties: Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, Ross, Scioto, Vinton, and Washington~~. The board, in consultation with the department of children and youth, shall determine the number of regions and the counties within each region. Each

county in the state shall be included in a region.

Sec. 3109.172. (A) As used in this section, "county prevention specialist" includes the following:

(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code;

(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(4) Members of county boards of developmental disabilities that serve counties within a region;

(5) Members of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;

(6) Juvenile justice officials serving counties within a region;

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;

(8) Counselors and social workers serving counties within a region;

(9) Head start agencies serving counties within a region;

(10) Child care providers serving counties within a

region;

(11) Parent advocates with relevant experience and knowledge of services in a region;

(12) Other persons with demonstrated knowledge in programs for children serving counties within a region.

(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of children and youth pursuant to Chapter 119. of the Revised Code.

(C)(1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and youth under Chapter 119. of the Revised Code. The reappointment of a chairperson by a board of county commissioners in accordance with division (D) of this section shall not be considered to be an appointment under this division.

(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.

(D) Each council member appointed under ~~division (C)(1) of~~ this section shall be appointed for a two-year term. ~~Each council member appointed under division (C)(2) of this section shall be appointed for a three-year term.~~ A member may be reappointed, but for two consecutive terms only. A council member selected as chairperson of a child abuse and child neglect regional prevention council in accordance with division

(G) of this section is eligible to be reappointed by the original appointing authority.

(E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty.

(F) Each appointed member of a council shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

(G) A chairperson shall be selected by the council's regional prevention coordinator from among the county prevention specialists serving on the council.

(1) The chairperson shall serve as a nonvoting member of the council.

(2) The chairperson shall preside over council meetings or may call upon the vice-chairperson to preside over meetings.

(H) At the first regular meeting of the year, which shall be called by the chairperson, the members shall elect a vice-chairperson by a majority vote.

(1) The vice-chairperson shall preside over council meetings in the absence of the chairperson or upon the request of the chairperson.

(2) The vice-chairperson functions in the same capacity as the chairperson and becomes a nonvoting member when presiding over a council meeting.

(I) Each council shall meet at least quarterly.

(J) Council members shall do all of the following:

(1) Attend meetings of the council on which they serve;

(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;

(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Assist the council's regional prevention coordinator with all of the following:

(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;

(b) Coordinating county data collection;

(c) Ensuring timely and accurate reporting to the children's trust fund board.

(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.

(K) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.

(L) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities

undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board.

Sec. 3109.173. (A) Each child abuse and child neglect regional prevention council shall be under the direction of a regional prevention coordinator. The children's trust fund board ~~shall~~ may select each region's coordinator through a competitive selection process conducted by the board. If the board has not selected a regional coordinator through a competitive selection process for a region, children's trust fund staff shall serve as coordinator for that region.

(B) Regional prevention coordinators shall do all of the following:

(1) Select a representative to serve as chairperson of the regional prevention council pursuant to division (G) of section 3109.172 of the Revised Code;

(2) Conduct a needs assessment to ascertain the child abuse and neglect prevention programming and services that are needed in the region;

(3) Work with county prevention specialists in the region to assemble the regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Implement the regional prevention plan, including the following:

(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes;

(b) Coordinating county data collection;

(c) Ensuring timely and accurate reporting to the board.

(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code.

Sec. 3109.178. (A) ~~Each child abuse and child neglect regional prevention council~~ An entity may request from the children's trust fund board up to five thousand dollars ~~for each county within the council's region~~ to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve ~~each~~ at least one county ~~in the region or a center to serve two or more contiguous counties within the region~~.

(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request.

(C) If the board disapproves the request, the board shall send to the ~~requesting council~~ entity requesting funds written notice of the disapproval that states the reasons for the disapproval.

(D) No funds allocated ~~to a council~~ under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy.

(E) ~~A council~~ An entity that receives funds under this section in any fiscal year shall not use the funds received in a different fiscal year or for a different center in any fiscal year without the approval of the board.

(F) A children's advocacy center established using funds awarded under this section shall comply with sections 2151.425 to 2151.428 of the Revised Code.

Sec. 3115.201. (A) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal or support enforcement agency of this state may exercise personal jurisdiction over a nonresident individual if any of the following apply:

(1) The individual is personally served with summons within this state.

(2) The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

(3) The individual resided with the child in this state.

(4) The individual resided in this state and provided prenatal expenses or support for the child.

(5) The child resides in this state as a result of the acts or directives of the individual.

(6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

(7) The individual asserted parentage of a child in the putative father registry maintained in this state by the department of ~~job and family services~~children and youth.

(8) There is any other basis consistent with the Constitutions of this state and the United States for the exercise of personal jurisdiction.

(B) The bases of personal jurisdiction set forth in division (A) of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal

of this state to modify a child-support order of another state unless the requirements of section 3115.611 of the Revised Code are met or, in the case of a foreign support order, unless the requirements of section 3115.615 of the Revised Code are met.

Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:

(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.

(2) "Child support order" means either a court child support order or an administrative child support order.

(3) "Obligee" means the person who is entitled to receive the support payments under a support order.

(4) "Obligor" means the person who is required to pay support under a support order.

(5) "Support order" means either an administrative child support order or a court support order.

(C) As used in this chapter:

(1) "Caretaker" means any of the following, other than a parent:

(a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;

(b) A person who is receiving public assistance on behalf of the child;

(c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;

(d) A guardian of the person or the estate of a child;

(e) Any other appropriate court or agency with custody of the child.

"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.

(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.

(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.

(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(5) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(6) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(7) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(8) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

(9) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(10) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(11) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total annual income of both parents.

(12) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(13) "Gross income" means, except as excluded in division (C)(13) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration; spousal support actually received; and all other sources of income. "Gross income" includes income of members of any branch of the United States armed services or national guard, including, amounts representing base pay, basic allowance for quarters, basic allowance for subsistence, supplemental subsistence allowance, cost of living adjustment, specialty pay, variable housing allowance, and pay for training or other types of required drills; self-generated income; and potential cash flow from any source.

"Gross income" does not include any of the following:

(a) Benefits received from means-tested government administered programs, including Ohio works first; prevention, retention, and contingency; means-tested veterans' benefits; supplemental security income; supplemental nutrition assistance program; disability financial assistance; or other assistance for which eligibility is determined on the basis of income or assets;

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;

(c) Child support amounts received for children who are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;

(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section ~~5101.881~~ 5180.531 of the Revised Code.

(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(15) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

(16)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(16)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(17) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(18) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child support is being calculated under this section;

(ix) The parent's increased earning capacity because of experience;

(x) The parent's decreased earning capacity because of a felony conviction;

(xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

(19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.

(20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

(21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.

(22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

(23) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

Sec. 3121.01. As used in this chapter:

(A) "Administrative child support order," "child support order," "court child support order," "court support order," "obligee," "obligor," "personal earnings," and "support order" have the same meanings as in section 3119.01 of the Revised Code.

(B) "Default" means any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month.

(C) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund.

(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments~~, including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code~~; and any other payment in money.

(E) "Payor" means any person or entity that pays or distributes income to an obligor, including an obligor if the obligor is self-employed; an employer; an employer paying an

obligor's workers' compensation benefits; the public employees retirement board; the governing entity of a municipal retirement system; the board of trustees of the Ohio police and fire pension fund; the state teachers retirement board; the school employees retirement board; the state highway patrol retirement board; a provider, as defined in section 3305.01 of the Revised Code; the bureau of workers' compensation; or any other person or entity other than the department of job and family services with respect to unemployment compensation benefits paid pursuant to Chapter 4141. of the Revised Code.

Sec. 3121.441. (A) Notwithstanding the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 and 5107.20 of the Revised Code providing for the office of child support in the department of job and family services to collect, withhold, or deduct spousal support, when a court pursuant to section 3105.18 or 3105.65 of the Revised Code issues or modifies an order requiring an obligor to pay spousal support or grants or modifies a decree of dissolution of marriage incorporating a separation agreement that provides for spousal support, or at any time after the issuance, granting, or modification of an order or decree of that type, the court may permit the obligor to make the spousal support payments directly to the obligee instead of to the office if the obligee and the obligor have no minor children born as a result of their marriage and the obligee has not assigned the spousal support amounts to the department pursuant to section 5107.20 or 5160.38 of the Revised Code.

(B) A court that permits an obligor to make spousal support payments directly to the obligee pursuant to division (A) of this section shall order the obligor to make the spousal support payments as a check, as a money order, or in any other

form that establishes a clear record of payment.

(C) If a court permits an obligor to make spousal support payments directly to an obligee pursuant to division (A) of this section and the obligor is in default in making any spousal support payment to the obligee, the court, upon motion of the obligee or on its own motion, may rescind the permission granted under that division. After the rescission, the court shall determine the amount of arrearages in the spousal support payments and order the obligor to make to the office of child support in the department of job and family services any spousal support payments that are in arrears and any future spousal support payments. Upon the issuance of the order of the court under this division, the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071, 3770.074, and 5107.20 of the Revised Code apply with respect to the collection, withholding, or deduction of the obligor's spousal support payments that are the subject of that order of the court.

Sec. 3123.89. (A) The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code.

(B) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with ~~section~~ sections 3770.071 and 3770.074 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient

to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the award. The rules shall describe an expedited method for withholding, and the time frame for transmission of the amount withheld to the department.

(C) As used in this section~~, "lottery~~ :

(1) "Lottery prize award"~~ has the same meaning as in section 3770.10 of the Revised Code~~ includes a prize award from a video lottery terminal but does not include winnings from lottery sports gaming, except for winnings from lottery sports gaming wagers placed through a terminal described in division (B)(3) of section 3770.24 of the Revised Code.

(2) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.

(3) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

Sec. 3123.90. (A) As used in this section:

(1) "Casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code.

(2) "Sports gaming proprietor" has the meaning defined in section 3775.01 of the Revised Code.

(3) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.

(B) The department of job and family services shall develop and implement a real time data match program with each casino facility's casino operator or management company and with each sports gaming proprietor to identify obligors who are

subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code.

(C) ~~Upon~~ Subject to division (E) of this section, upon the data match program's implementation, if a person receives a payout of winnings at a casino facility or from sports gaming in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator, management company, or sports gaming proprietor shall refer to the data match program to determine if the person entitled to the winnings is in default under a support order. If the data match program indicates that the person is in default, the casino operator, management company, or sports gaming proprietor shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings.

(D) Not later than fourteen days after withholding the amount, the casino operator, management company, or sports gaming proprietor shall electronically transmit any amount withheld to the department as payment on the support obligation.

(E) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B)(3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 3770.071 of the Revised Code.

(F) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section.

Sec. 3301.079. (A)(1) The department of education and workforce periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

(a) The department shall ensure that the standards do all of the following:

(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world learning opportunities;

(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education;

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.

(b) The department shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the

Ohio Constitution, and their original context. The department shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The department shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.

(c) When the department adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, it shall develop such standards independently and not as part of a multistate consortium.

(2)(a) After completing the standards required by division (A)(1) of this section, the department shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.

(b) The department shall incorporate into the standards and model curriculum for financial literacy and entrepreneurship for grades nine through twelve academic content regarding free market capitalism. The academic content shall include all of the following concepts related to free market capitalism:

(i) Raw materials, labor, and capital, the three classical factors of economic production, are privately owned.

(ii) Individuals control their own ability to work, earn

wages, and obtain skills to earn and increase wages.

(iii) Private ownership of capital may include a sole proprietorship, a family business, a publicly traded corporation, a group of private investors, or a bank.

(iv) Markets aggregate the exchange of goods and services throughout the world. Market prices are the only way to convey so much constantly changing information about the supply of goods and services, and the demand for them, for consumers and producers to make informed economic decisions for themselves.

(v) Wealth is created by providing goods and services that people value at a profit, and both sellers and buyers seek to profit in some way in a free market transaction. Thus, profit earned through transactions can be consumed, saved, reinvested in the business, or dispersed to shareholders.

(vi) Wealth creation involves asset value appreciation and depreciation, voluntary exchange of equity ownership, and open and closed markets.

(vii) The free market is driven by, and tends to produce, entrepreneurship and innovation.

(viii) The free market can include side effects and market failures where at least part of the cost of the transaction, including producing, transporting, selling, or buying, is born by others outside of the transaction.

(ix) The political features of the free market, including legally protected property rights, legally enforceable contracts, patent protections, and the mitigation of side effects and market failures;

(x) Societies that embrace the free market often embrace

political and personal freedom as well.

(3) The department shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The director of education and workforce shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) The department shall update the standards and model curriculum for instruction in computer science in grades kindergarten through twelve, which shall include standards for introductory and advanced computer science courses in grades nine through twelve. When developing the standards and curriculum, the department shall consider recommendations from computer science education stakeholder groups, including teachers and representatives from higher education, industry, computer science organizations in Ohio, and national computer science organizations.

Any district or school may utilize the computer science standards or model curriculum or any part thereof adopted pursuant to division (A)(4) of this section. However, no district or school shall be required to utilize all or any part of the standards or curriculum.

(5) When academic standards have been completed for any subject area required by this section, the department shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. Additionally, upon completion of any academic standards under this section, the department shall post those standards on the department's web site.

(B)(1) The department shall adopt a model curriculum for instruction in each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the department shall inform all school districts, community schools, and STEM schools of the content of that model curriculum.

(2) The department, in consultation with the governor's office of workforce transformation, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.

(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum

established by the department, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.

Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section.

(C) The department shall develop achievement assessments aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code.

When any achievement assessment has been completed, the department shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its completion, and the department shall make the achievement assessment available to the districts and schools.

(D)(1) ~~The~~ Not later than June 30, 2026, the department shall adopt a diagnostic assessment aligned with the academic standards ~~and model curriculum~~ for each of grades ~~one and two~~ kindergarten to three in reading~~, writing,~~ and mathematics~~ and for grade three in reading and writing~~. The diagnostic assessment shall be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level. The diagnostic assessment for reading shall be designed to measure student comprehension of foundational reading skills aligned to the science of reading. Any diagnostic assessment shall not include components to identify gifted students. ~~Blank copies of diagnostic assessments~~

~~shall be public records.~~

(2) ~~When each diagnostic assessment has been completed, the department shall inform all school districts of its completion and make the diagnostic assessment available to the districts at no cost to the district.~~

~~(3)~~ School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning ~~the first~~ in the 2026-2027 school year ~~following the development of the assessment.~~

~~However, beginning with the 2017-2018 school year, both of the following shall apply:~~

~~(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;~~

~~(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D)(3)(a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code~~.

(E) The department shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.

(F) Whenever the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the department shall first consult with parents of students in kindergarten through twelfth grade

and with active Ohio classroom teachers, other school personnel, and administrators with expertise in the appropriate subject area. Whenever practicable, the department shall consult with teachers recognized as outstanding in their fields.

If the department contracts with more than one outside entity for the development of the achievement assessments required by this section, the department shall ensure the interchangeability of those assessments.

(G) Whenever the department adopts standards or model curricula under this section, the department also shall provide information on the use of blended, online, or digital learning in the delivery of the standards or curricula to students in accordance with division (A)(5) of this section.

(H) The fairness sensitivity review committee of the department shall not allow any question on any achievement or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of action.

(I) Not later than sixty days prior to the adoption of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the director of education and workforce shall present the academic standards or model curricula, as applicable, in person at a public hearing of the respective committees of the house of representatives and senate that consider education legislation.

(J) As used in this section:

(1) "Blended learning" means the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning and includes noncomputer-based learning opportunities.

(2) "Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

(3) "Coherence" means a reflection of the structure of the discipline being taught.

(4) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.

(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.

Sec. 3301.0711. (A) The department of education and workforce shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted

village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B)(10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B)(8)(b) of this section.

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted under division (D)(1) of section 3301.0712 of the Revised Code.

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district

or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under division (B)(10) of that section, in an administration of the examination prior to grade nine.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this

section if it instead specifies an alternate assessment method approved by the department as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment. No board shall prohibit a student who is not required to take an assessment under division (C)(1) of this section from taking the assessment.

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code.

(c)(i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if either of the following apply:

(I) A plan developed for the student pursuant to rules adopted by the department excuses the student from taking that assessment.

(II) The chartered nonpublic school develops a written plan in which the school, in consultation with the student's parents, determines that an assessment or alternative assessment with accommodations does not accurately assess the student's

academic performance. The plan shall include an academic profile of the student's academic performance and shall be reviewed annually to determine if the student's needs continue to require excusal from taking the assessment.

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the department not later than the thirtieth day of June.

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of

section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C)(3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4)(a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C)(4) of this section.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)

(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student

demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment

or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education and workforce not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The department shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the department shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative

education school district.

(2) In accordance with rules that the department shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the assessments prescribed by division (A) of section 3301.0710 of the Revised Code or an alternative standardized assessment determined by the department. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the

school that the parent or guardian does not wish to have the student take the assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by the department instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Each chartered nonpublic school subject to division (K)(1)(a) or (b) of this section shall report the results of each assessment administered under those divisions to the department.

(2) A chartered nonpublic school may submit to the director of education and workforce a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The director shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section.

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a

condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years.

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the director prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether

the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled

in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of Ohio deaf and blind education services shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code for the state school for the blind and the state school for the deaf. The superintendent of Ohio deaf and blind education services shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the

department and in conformity with division (C)(1)(a) of this section.

(2) The department shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to the superintendent of Ohio deaf and blind education services.

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3)~~,~~ and (4)~~, (6), and (7)~~ of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1)

or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) ~~This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.~~

~~(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.~~

~~(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.~~

~~(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.~~

~~(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.~~

~~(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:~~

~~(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;~~

~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;~~

~~(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.~~

~~The entire content of an assessment shall become a public record within three years of its administration.~~

~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~

~~(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.~~

~~(7)~~ Division ~~(O)(7)~~ (O)(4) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the ~~2017-2018~~ 2025-2026 school year, not less than ~~forty~~ twenty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the department or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the

district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(6) "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

Sec. 3301.0712. (A) The department of education and workforce and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student

academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1)(a) Except as provided in division (B)(1)(b) of this section, nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the department and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(b) Beginning with students who enter the ninth grade for the first time on or after July 1, 2022, the parent or guardian of a student may elect not to have a nationally standardized assessment administered to that student. In that event, the student's school district or school shall not administer the nationally standardized assessment to that student.

(2)(a) Except as provided in division (B)(2)(b) of this section, seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the department and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the

Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2019, five end-of-course examinations, one in each areas of English language arts II, science, Algebra I, American history, and American government. However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.

The department shall, as necessary to implement division (B)(2)(b) of this section, seek a waiver from the United States secretary of education for testing requirements prescribed under federal law to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the department does not receive a waiver under this division, the end-of-course examinations for students described in division (B)(2)(b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.

(3) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under

division (M) of section 3313.603 of the Revised Code.

At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The department shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The department, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcripted credit, as defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The department shall consider additional assessments that may be used as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The department shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Not later than sixty days after the designation of ranges of scores, the director of education and workforce shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(i) An advanced level of skill;

(ii) An accomplished level of skill;

(iii) A proficient level of skill;

(iv) A basic level of skill;

(v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma under division (A)(2) of section 3313.618 of the Revised Code. However, no new minimum cumulative performance score shall be determined after October 17, 2019.

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B)

(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;

(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.

The department, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(7)(a) Notwithstanding anything to the contrary in this section, the department may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.

(b) If the department replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the

following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or

after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) The department shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.

(9) The department shall not develop or administer an end-of-course examination in the area of world history.

(10) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.

(C) The department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the department shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the department determines such a phase-in is warranted;

(2) The date after which a person shall meet the

requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(5) The extent to which the assessment system applies to students enrolled in a dropout ~~recovery and~~ prevention and recovery program for purposes of division (F) of section 3313.603 ~~and~~ or a dropout prevention and recovery community school under section 3314.36 of the Revised Code.

(E)(1) Any person enrolled in a nonchartered nonpublic school or any person who is exempt from attendance at school for the purpose of home education under section 3321.042 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring of any assessments under division (E)

(1) of this section.

(F) The department shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The department shall reimburse a school district for the costs of administering that assessment. The department shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Sec. 3301.0714. (A) The department of education and workforce shall adopt rules for a statewide education management information system. The rules shall require the department to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the department in accordance with division (D) of this section;

(3) Procedures for annually compiling the data in accordance with division (G) of this section;

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;

(5) Standards to provide strict safeguards to protect the

confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by

the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the department pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;

(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the

current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments ~~administered to kindergarten students as required under~~ described in division (A)(1) of section 3301.0715 of the Revised Code ~~to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results~~.

(o) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(p) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;

(q) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;

(r) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each

category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(e) The number of teachers, administrators, school psychologists, and speech-language pathologists employed by each school district and school building who have completed training

in the science of reading under section 3319.2310 of the Revised Code.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4)(a) The core curriculum and instructional materials being used for English language arts in each of grades pre-kindergarten to five;

(b) The reading intervention programs being used in each of grades pre-kindergarten to twelve;

(c) The core curriculum and instructional materials being used for mathematics in each of grades pre-kindergarten to twelve.

(5) Any data required to be collected pursuant to federal law.

(C) The education management information system shall

include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown

of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b)

of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the department. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code

required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the department from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department of education and workforce in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under section 3317.022 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d)(i) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, children and youth, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5180.33 of the Revised Code, a data verification code for a child who is receiving those services.

(ii) The director of developmental disabilities, director of health, director of job and family services, director of children and youth, director of mental health and addiction

services, medicaid director, executive director of the commission on minority health, executive director of the opportunities for Ohioans with disabilities agency, or director of education and workforce, on behalf of a program that receives public funds and provides services to children who are younger than compulsory school age, may request and receive, pursuant to section 3301.0723 of the Revised Code, a data verification code for a child who is receiving services from the program.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) The board of education of each school district shall annually collect and report to the department, in accordance with the guidelines established by the department, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The department shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The department shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these

formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The department shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The department shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established

under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training

on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card

that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside

entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The director of education and workforce shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) ~~The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.~~

~~(Q)~~ If the department cannot compile any of the information required by division (I) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. ~~(A) Except as required under division (B)(1) of section 3313.608 or as specified in division (D)(3) of section 3301.079 of the Revised Code, the~~ (A)(1) The board of education of each city, local, and exempted village school district shall administer each applicable diagnostic assessment developed and provided to the district in accordance with section 3301.079 of the Revised Code to the following:

~~(1)~~ (a) Each student enrolled in kindergarten, first, second, or third grade.

(b) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) ~~Each kindergarten student, not earlier than the first~~

~~day of July of the school year and not later than the twentieth day of instruction of that school year.~~

~~For the purpose of division (A)(2) of this section, the~~ The district shall administer the kindergarten readiness assessment ~~provided by the department of children and youth~~to each kindergarten student not earlier than the first day of July of the school year in which the student is enrolled in kindergarten and not later than the twentieth day of instruction of that school year. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

~~(3) Each student enrolled in first, second, or third grade.~~

~~Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department.~~

(B) Each district board shall administer each diagnostic assessment ~~when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment~~ described in division (A)(1) of this section at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive disability in accordance with guidelines adopted by the department of education and workforce. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

~~(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(3) of this section if the district meets either of the following conditions for the immediately preceding school year:~~

~~(1) The district received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C)(1)(e) of that section.~~

~~(2) The district received a performance rating of four stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code or for progress under division (D)(3)(c) of that section.~~

~~(D)~~ Each district board shall utilize and score ~~any diagnostic~~ the kindergarten readiness assessment ~~administered under division (A) of this section~~ in accordance with rules established by ~~the department of education or~~ the department of children and youth and shall utilize and score each diagnostic assessment described in division (A)(1) of this section in accordance with rules established by the department of education and workforce. After the administration of ~~any~~ the kindergarten readiness assessment or a diagnostic assessment described in division (A)(1) of this section, each district shall provide a student's completed ~~diagnostic~~ assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student~~, and~~. The district shall include all such documents and information related to a diagnostic assessment described in division (A)(1) of this section in any plan developed for the student under division (C) of section 3313.608 of the Revised

Code. Each district shall submit, in the manner prescribed by each department, the results of the ~~diagnostic~~ assessments administered under this section~~, regardless of the type of assessment used under section 3313.608 of the Revised Code~~ as follows:

(1) The results of the kindergarten readiness assessment to the department of children and youth;

(2) The results of all diagnostic assessments described in division (A)(1) of this section to the department of education and workforce pursuant to section 3301.0714 of the Revised Code.

The ~~department of education and the~~ department of children and youth ~~may issue reports with respect to the data collected. Either department~~ may report school and district level kindergarten ~~diagnostic~~ readiness assessment data ~~and use~~. The department of education and workforce may report data from any diagnostic assessment ~~data~~ described in division (A)(1) of this section and may use that data to calculate the measures prescribed by divisions (B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the Revised Code ~~and the data reported under division (D)(2)(c) of that section~~.

~~(E)~~ (D) Each district board shall provide intervention services to students whose ~~diagnostic~~ assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

~~(F)~~ (E) Any chartered nonpublic school may elect to administer the kindergarten readiness assessment to all kindergarten students enrolled in the school. If the school so elects, the chief administrator of the school shall notify the director of children and youth not later than the thirty-first

day of March prior to any school year in which the school will administer the assessment. The department of children and youth shall furnish the assessment to the school at no cost to the school. In administering the assessment, the school shall do all of the following:

(1) Enter into a written agreement with the department of children and youth specifying that the school will share each participating student's assessment data with the department ~~of education and the department of children and youth~~ and, that for the purpose of reporting the data to the department ~~of education and department of children and youth~~, each participating student will be assigned a data verification code as described in division (D)(2) of section 3301.0714 of the Revised Code;

(2) Require the assessment to be administered by a teacher certified under section 3301.071 of the Revised Code who either has completed training on administering the kindergarten readiness assessment ~~provided by the department of children and youth~~ or has been trained by another person who has completed such training;

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division ~~(D)~~ (C) of this section.

~~(G)~~ (F) A school district in which less than eighty per cent of its students score at the proficient level or higher on the third-grade English language arts assessment prescribed under section 3301.0710 of the Revised Code shall establish a reading improvement plan supported by reading specialists. Prior to implementation, the plan shall be approved by the school district board of education.

(G) As used in this section, "kindergarten readiness assessment" means the diagnostic assessment provided by the department of children and youth under section 5104.52 of the Revised Code.

Sec. 3301.0723. (A) All of the following apply to the independent contractor engaged by the department of education and workforce to create and maintain for school districts and community schools the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code:

(1) Upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, including the directors of health, children and youth, mental health and addiction services, and developmental disabilities, the contractor shall assign a data verification code to a child who is receiving such services and shall provide that code to the director.

(2) Upon request of the director of developmental disabilities, director of health, director of job and family services, director of children and youth, director of mental health and addiction services, medicaid director, executive director of the commission on minority health, executive director of the opportunities for Ohioans with disabilities agency, or director of education and workforce and on behalf of a program that receives public funds and provides services to children younger than compulsory school age, the contractor shall assign a data verification code to a child who is receiving such services from the program and shall provide that code to the director.

(3) The contractor also shall provide the codes requested

under division (A) of this section to the department of education and workforce.

For purposes of division (A) of this section, "compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(B) The director of a state agency that receives a child's data verification code under division (A)(1) of this section shall use that code to submit information for that child to the department of education and workforce in accordance with section 3301.0714 of the Revised Code.

The director of a state agency that receives a child's data verification code under division (A)(2) of this section shall provide that code to the publicly or privately funded program providing services to the child. The program shall use that code to submit information for that child to the department of education and workforce in accordance with section 3301.0714 of the Revised Code, but only to the extent permitted by federal law.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D)(2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code assigned under division (A) of this section to report data relative to that student required under section 3301.0714 of the Revised Code.

Sec. 3301.0727. (A) As used in this section, "dropout <u>prevention and </u>recovery community school" has the same meaning

as in section ~~3319.301~~ 3314.02 of the Revised Code.

(B) Notwithstanding any provision to the contrary in section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, a dropout prevention and recovery community school shall do both of the following with regard to the administration of end-of-course examinations required under section 3301.0712 of the Revised Code:

(1) In addition to the annual testing windows established by the director of education and workforce under division (C) of section 3301.0710 of the Revised Code, administer the examinations in an online or paper format based on the needs of the student;

(2) Adhere to security requirements prescribed under section 3319.151 of the Revised Code for the online examinations administered under division (B)(1) of this section.

(C) The director of education and workforce shall establish extended testing windows of ten weeks in duration in the fall and spring for dropout prevention and recovery community schools so that they may administer assessments in closer proximity to when students complete related coursework. The director also shall establish a summer testing window for students participating in summer instruction.

(D) Nothing in this section shall be construed to relieve a dropout prevention and recovery community school from its obligation to administer testing in-person as otherwise required by law.

Sec. 3301.136. The department of education and workforce shall compile a list of tutoring programs that it considers to be of high quality and have the potential to accelerate learning

for students in the areas of English language arts, mathematics, science, and social studies. For this purpose, the department shall request the qualifications of public and private entities that provide tutoring programs for students. The requested qualifications shall include program efficacy data or other evidence of program effectiveness for students who participate in the tutoring programs. The department shall establish a rubric to evaluate the programs and determine a minimum score for a tutoring program to be included on the department's list.

In compiling the list, the department may designate individual tutoring programs as more appropriate for certain grade levels, populations of students, or subject areas.

The department shall immediately remove from the list any tutoring program in the area of English language arts that the department determines is not aligned to the science of reading or uses a three-cueing approach, as defined in section 3313.6028 of the Revised Code.

The department may establish multiple application periods in any school year for entities to submit their qualifications for consideration to be included on the list. However, the department shall post the initial list of tutoring programs on the department's web site not later than October 1, 2022. After the initial list is posted, the department shall, at least every three years thereafter, provide an opportunity for entities to submit their qualifications for consideration to be included on the list and post an updated list of tutoring programs on the department's web site. No school district or school shall be required to use a tutoring program on the list.

Sec. 3301.17. (A) The board of education of each city, exempted village, local, and joint vocational school district

may make a driver education course available to high school students enrolled in the district in accordance with Chapter 4508. of the Revised Code. No school district making such a course available shall require any student to enroll in the course in lieu of taking a training course from a private driver training school licensed under that chapter.

(B) The principal of each high school shall annually give written notice to the students enrolled in the high school that they may elect, under a procedure that shall be described in the notice, to take a training course from a private driver training school or, if available, enroll in a driver education course made available by the student's school district of attendance.

(C) Students who successfully complete a driver education course offered by the student's school district of attendance or through any agency or organization that the district contracts with to offer such a course under this section may earn either:

(1) Notwithstanding anything to the contrary in division (C)(8) of section 3313.603 of the Revised Code, up to one-half unit towards high school elective credits that may substitute for credits in the subjects listed under that division;

(2) An industry-recognized credential approved under section 3313.6113 of the Revised Code. ~~A student may be granted up to two points toward a high school diploma under the list of industry-recognized credentials established and updated under section 3313.6113 of the Revised Code.~~

(D) Notwithstanding anything to the contrary in sections 3317.014, 3317.022, and 3317.16 of the Revised Code, a career-technical planning district, as defined in section 3317.023 of the Revised Code, may use a portion of the career-technical

education funds received under section 3317.022 or 3317.16 of the Revised Code to make a driver education course available to high school students enrolled in the district.

Sec. 3301.221. (A) As used in this section and ~~section~~ sections 3313.60, 3314.0311, 3314.0312, 3326.092, and 3326.093 of the Revised Code, "evidence-based" means a program or practice that does either of the following:

(1) Demonstrates a rationale based on high-quality research findings or positive evaluation that such a program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice;

(2) Has a statistically significant effect on relevant outcomes based on:

(a) Strong evidence from at least one well-designed and well-implemented experimental study;

(b) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

(c) Promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias.

(B) The department of education and workforce, in consultation with ~~the department of public safety and~~ the department of mental health and addiction services, shall maintain a list of approved evidence-based training programs, to be posted on the department of education and workforce's web site, for instruction ~~in suicide awareness and prevention and violence prevention as~~ prescribed under ~~division (A)(5)(h)~~ divisions (A)(5)(i) and (j) of section 3313.60 and ~~division~~

~~(D) of section 3319.073~~ sections 3314.0311, 3314.0312, 3326.092, and 3326.093 of the Revised Code. ~~The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:~~

~~(1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;~~

~~(2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;~~

~~(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;~~

~~(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;~~

~~(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;~~

~~(6) The importance of taking threats seriously and seeking help;~~

~~(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.~~

~~(C) The department of education and workforce, in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education and workforce's web site, for instruction in social inclusion as prescribed by~~

~~division (A)(5)(j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:~~

~~(1) What social isolation is and how to identify it in others;~~

~~(2) What social inclusion is and the importance of establishing connections with peers;~~

~~(3) When and how to seek help for peers who may be socially isolated;~~

~~(4) How to utilize strategies for more social inclusion in classrooms and the school community.~~

Sec. 3301.24. (A) Not later than December 31, 2025, the department of education and workforce shall develop a model policy on the use of artificial intelligence in schools. The model policy shall address appropriate use of artificial intelligence by students and staff for educational purposes.

(B) Not later than July 1, 2026, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code shall adopt a policy on the use of artificial intelligence. The district or school may adopt the department's model policy developed under division (A) of this section.

(C) The department may collect data from districts and schools on their use of artificial intelligence in the manner prescribed by the department.

Sec. 3301.541. (A)(1) The director, head teacher,

elementary principal, or site administrator of a preschool program shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the preschool program for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the director, head teacher, or elementary principal shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five-year period, the director, head teacher, or elementary principal may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) Any director, head teacher, elementary principal, or site administrator required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of

criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the preschool program shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the department of ~~education and workforce~~ children and youth in accordance with division (E) of this section, no preschool program shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04,

2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the preschool program shall release the applicant from employment.

(C)(1) Each preschool program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the director, head teacher, elementary principal, or site administrator of the preschool program.

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under

this section. A fee charged under this division shall not exceed the amount of fees the preschool program pays under division (C)(1) of this section. If a fee is charged under this division, the preschool program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the preschool program requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual in a case dealing with the denial of employment to the applicant.

(E) The department of ~~education and workforce~~ children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a preschool program may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is

required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, or chartered nonpublic school in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under this section, the appointing or hiring officer of such educational service center governing board shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers for employment in the local district.

Sec. 3301.57. (A) For the purpose of improving programs, facilities, and implementation of the standards promulgated under section 3301.53 of the Revised Code, ~~the department of~~

~~education and workforce and~~ the department of children and youth shall provide consultation and technical assistance to school districts, county boards of developmental disabilities, community schools, authorized private before and after school care programs, and eligible nonpublic schools operating preschool programs or school child programs, and in-service training to preschool staff members, school child program staff members, and nonteaching employees.

(B) The department of education and workforce, the department of children and youth, and the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall jointly monitor each preschool program and each school child program.

If the program receives any grant or other funding from the state or federal government, the department of education and workforce and the department of children and youth annually shall monitor all reports on attendance, financial support, and expenditures according to provisions for use of the funds.

(C) The ~~department of education and workforce and the~~ department of children and youth, at least once during every twelve-month period of operation of a preschool program or a licensed school child program, shall inspect the program and provide a written inspection report to the superintendent of the school district, county board of developmental disabilities, community school, or eligible nonpublic school. The ~~departments~~ department may inspect any program more than once, as considered necessary by the ~~departments~~department, during any twelve-month period of operation. All inspections may be unannounced. No person shall interfere with any inspection conducted pursuant to this division or to the rules adopted pursuant to sections

3301.52 to 3301.59 of the Revised Code.

Upon receipt of any complaint that a preschool program or a licensed school child program is out of compliance with the requirements in sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections, the department of children and youth shall investigate and may inspect the program. If the complaint is related to a teacher, the department shall coordinate with the ~~department~~ state board of education to investigate and take action on a teacher's license.

(D) If a preschool program or a licensed school child program is determined to be out of compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections, the department of children and youth shall notify the appropriate superintendent, county board of developmental disabilities, community school, authorized private before and after school care program, or eligible nonpublic school in writing regarding the nature of the violation, what must be done to correct the violation, and by what date the correction must be made. If the correction is not made by the date established by the department, it may commence action under Chapter 119. of the Revised Code to close the program or to revoke the license of the program. If a program does not comply with an order to cease operation issued in accordance with Chapter 119. of the Revised Code, the department shall notify the attorney general, the prosecuting attorney of the county in which the program is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the program is located that the program is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in

accordance with Chapter 119. of the Revised Code. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer shall file a complaint in the court of common pleas of the county in which the program is located requesting the court to issue an order enjoining the program from operating. The court shall grant the requested injunctive relief upon a showing that the program named in the complaint is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code.

(E) The ~~department of education and workforce and~~ department of children and youth shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The ~~departments~~ department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year.

Sec. 3301.82. (A) The department of education and workforce annually shall collect school district employment and vacancy data for all of the following:

(1) Teachers;

(2) Related services providers and other providers of specialized services;

(3) Principals and assistant principals;

(4) Paraprofessionals;

(5) Bus drivers;

(6) Any other positions as determined by the department.

(B) The department shall report the number of vacant positions aggregated by the following:

(1) Type of position;

(2) Subject area;

(3) Geographic area, including rural and urban areas;

(4) Methods used to fill vacant positions, which shall include the following:

(a) Hiring of substitutes, retirees, or alternative licensure program candidates;

(b) Contracting with an educational service center or other entity;

(c) Other methods identified by the department.

(5) Positions that remain unfilled.

(C) The department shall annually publish and summarize data collected under this section on its publicly accessible web site.

Sec. 3302.03. Not later than the thirty-first day of July of each year, the department of education and workforce shall submit preliminary report card data for overall academic performance and for each separate performance measure for each school district, and each school building, in accordance with this section.

Annually, not later than the fifteenth day of September or

the preceding Friday when that day falls on a Saturday or Sunday, the department shall assign a letter grade or performance rating for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The department shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. The department's rules shall establish performance criteria for each letter grade or performance rating and prescribe a method by which the department assigns each letter grade or performance rating. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the department shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade or performance rating. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade or performance rating system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by

the department. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least one standard error of measure above the mean score shall be designated as an "A."

(ii) A score that is less than one standard error of measure above but greater than one standard error of measure

below the mean score shall be designated as a "B."

(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C."

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this

section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter

grades under division (B)(1)(c) of this section, the department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The department shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the department shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading ~~and writing~~ diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised

Code, as applicable. The department shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (B)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) The department shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen

students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the department, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the department shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this

section is a "C" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the department may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the department adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the department. Each subgroup shall be a separate graded measure.

The department may adopt student academic progress measures to be used instead of the value-added progress dimension. If the department adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The department shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The department shall designate for a "C" grade a value that is not

lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section

3301.0712 of the Revised Code;

(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer.

(3) The department shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The department shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When

available, the department may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the department may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the department shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.

In the rules adopted under division (C)(3) of this section, the department shall adopt a method for determining a grade for each component in divisions (C)(3)(a) to (f) of this section. The department also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the department adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(3)(b) and (c) of this section.

At least forty-five days prior to the department's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating

the overall grade.

(D) For the 2021-2022 school year and each school year thereafter, all of the following apply:

(1) The department shall include on a school district's or building's report card all of the following performance measures without an assigned performance rating:

(a) Whether the district or building meets the gifted performance indicator under division (A)(2) of section 3302.02 of the Revised Code and the extent to which the district or building meets gifted indicator performance benchmarks;

(b) The extent to which the district or building meets the chronic absenteeism indicator under division (A)(3) of section 3302.02 of the Revised Code;

(c) Performance index score percentage for a district or building, which shall be calculated by dividing the district's or building's performance index score according to the performance index system created by the department by the maximum performance index score for a district or building. The maximum performance index score shall be as follows:

(i) For a building, the average of the highest two per cent of performance index scores achieved by a building for the school year for which a report card is issued;

(ii) For a district, the average of the highest two per cent of performance index scores achieved by a district for the school year for which a report card is issued.

(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using

three years of value-added data to calculate the measure prescribed under division (D)(1)(d) of this section, the department shall assign a weight of fifty per cent to the most recent year's data and a weight of twenty-five per cent to the data of each of the other years. However, if three consecutive years of value-added data is not available, the department shall use prior years of value-added data to calculate the measure, as follows:

(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure.

(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of value-added data to calculate the measure, the department shall assign a weight of sixty-seven per cent to the most recent year's data and a weight of thirty-three per cent to the data of the other year.

(e) The four-year adjusted cohort graduation rate.

(f) The five-year adjusted cohort graduation rate.

(g) The percentage of students in the district or building who score proficient or higher on the reading segment of the third grade English language arts assessment under section 3301.0710 of the Revised Code.

To the extent possible, the department shall include the results of the summer administration of the third grade reading assessment under section 3301.0710 of the Revised Code in the performance measures prescribed under divisions (D)(1)(g) and (h) of this section.

(h) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading segments of the diagnostic assessments administered under division (A)(1) of section 3301.0715 of the Revised Code~~, including the kindergarten readiness assessment,~~ and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The method shall not include a deduction for students who did not pass the third grade English language arts assessment under section 3301.0710 of the Revised Code and were not on a reading improvement and monitoring plan.

The performance measure prescribed under division (D)(1)(h) of this section shall not be included on the report card of a district or building in which less than ten per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(i) ~~The percentage of students in a district or building who are promoted to the fourth grade and not subject to retention under division (A)(2) of section 3313.608 of the Revised Code;~~

~~(j)~~ A post-secondary readiness measure. This measure shall be calculated by dividing the number of students included in the four-year adjusted graduation rate cohort who demonstrate post-secondary readiness by the total number of students included in the denominator of the four-year adjusted graduation rate

cohort. Demonstration of post-secondary readiness shall include a student doing any of the following:

(i) Attaining a remediation-free score, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code;

(ii) Attaining required scores on three or more advanced placement or international baccalaureate examinations. The required score for an advanced placement examination shall be a three or better. The required score for an international baccalaureate examination shall be a four or better. A student may satisfy this condition with any combination of advanced placement or international baccalaureate examinations.

(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division ~~(D)(1)(j)(iii)~~ (D)(1)(i)(iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits.

(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code;

(v) Earning an industry-recognized credential or license

issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;

(vi) Satisfying any of the following conditions:

(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;

(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;

(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.

(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;

(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:

(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or

(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.

(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division ~~(D)(1)(j)~~ (D)(1)(i) of this section.

(2) In addition to the performance measures under division (D)(1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:

(a) The applicable performance indicators established by the department under division (A)(1) of section 3302.02 of the Revised Code;

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories:

(i) Students who are still enrolled in the district or building and receiving general education services;

(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61

or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;

(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;

(iv) Students who are no longer enrolled in any district or building;

(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.

The department may disaggregate the data prescribed under division (D)(2)(d) of this section according to other categories that the department determines are appropriate.

(e) ~~The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;~~

~~(f)~~ Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who:

(i) Enrolled in a post-secondary educational institution. To the extent possible, the department shall disaggregate that data according to whether the student enrolled in a four-year institution of higher education, a two-year institution of higher education, an Ohio technical center that provides adult

technical education services and is recognized by the chancellor of higher education, or another type of post-secondary educational institution.

(ii) Entered an apprenticeship program registered with the apprenticeship council established under Chapter 4139. of the Revised Code. The department may include other job training programs with similar rigor and outcomes.

(iii) Attained gainful employment, as determined by the department;

(iv) Enlisted in a branch of the armed forces of the United States, as defined in section 5910.01 of the Revised Code.

~~(g)~~ (f) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated with a "yes" or "no";

~~(h)~~ (g) The number and percentage of high school seniors in each school year who completed the free application for federal student aid;

~~(i)~~ (h) Beginning with the report card issued under this section for the 2022-2023 school year, a student opportunity profile measure that reports data regarding the opportunities provided to students by a district or building. To the extent possible, and when appropriate, the data shall be disaggregated by grade level and subgroup. The measure also shall include data regarding the statewide average, the average for similar school districts, and, for a building, the average for the district in which the building is located. The measure shall include all of the following data for the district or building:

(i) The average ratio of teachers of record to students in each grade level in a district or building;

(ii) The average ratio of school counselors to students in a district or building;

(iii) The average ratio of nurses to students in a district or building;

(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;

(v) The average ratio of social workers to students in a district or building;

(vi) The average ratio of mental health professionals to students in a district or building;

(vii) The average ratio of paraprofessionals to students in a district or building;

(viii) The percentage of teachers with fewer than three years of experience teaching in any school;

(ix) The percentage of principals with fewer than three years of experience as a principal in any school;

(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;

(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;

(xii) The percentage of students enrolled in a performing or visual arts course;

(xiii) The percentage of students enrolled in a physical education or wellness course;

(xiv) The percentage of students enrolled in a world language course;

(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;

(xvi) The percentage of students participating in one or more cocurricular activities;

(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;

(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;

(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;

(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;

(xxi) The percentage of students who are transported by a school bus each school day;

(xxii) The ratio of portable technology devices that students may take home to the number of students.

The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.

~~(j)~~ ~~(i)~~ (i)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or building who completed all of grades nine through twelve while enrolled in the district or building;

(ii) The four-year adjusted cohort graduation rate for only those students who were continuously enrolled in the same district or building for grades nine through twelve.

~~(k)~~ (j) Whether the district or building provides information about and promotes the college credit plus program established under Chapter 3365. of the Revised Code to students in accordance with section 3365.04 of the Revised Code, notated with a "yes" or "no";

~~(l)~~ (k) The percentage of students in the district or building to whom both of the following apply:

(i) The students are promoted to fourth grade and not subject to retention under division (A)(2) of section 3313.608 of the Revised Code.

(ii) The students completed all of the grade levels offered prior to the fourth grade in the district or building.

(3) Except as provided in division (D)(3)(f) of this section, the department shall use the method prescribed under rules adopted under division (D)(4) of this section to assign performance ratings of "one star," "two stars," "three stars," "four stars," or "five stars," as described in division (F) of this section, for a district or building for the individual components prescribed under division (D)(3) of this section. The department also shall assign an overall performance rating for a district or building in accordance with division (D)(3)(g) of this section. The method shall use the performance measures

prescribed under division (D)(1) of this section to calculate performance ratings for components. The method may report data under division (D)(2) of this section with corresponding components, but shall not use the data to calculate performance ratings for that component. The performance measures and reported data shall be grouped together into components as follows:

(a) Gap closing. In addition to other criteria determined appropriate by the department, performance ratings for the gap closing component shall reflect whether each of the following performance measures are met or not met:

(i) The gifted performance indicator as described in division (D)(1)(a) of this section;

(ii) The chronic absenteeism indicator as described in division (D)(1)(b) of this section;

(iii) For English learners, an English language proficiency improvement indicator established by the department;

(iv) The subgroup graduation targets;

(v) The subgroup achievement targets in both mathematics and English language arts;

(vi) The subgroup progress targets in both mathematics and English language arts.

Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met.

The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.

(b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.

(c) Progress, which shall include the performance measure in division (D)(1)(d) of this section and the reported data in divisions (D)(2)(b) and (c) of this section;

(d) Graduation, which shall include the performance measures in divisions (D)(1)(e) and (f) of this section and the reported data in divisions (D)(2)(d) and ~~(j)~~ (i) of this section. The four-year adjusted cohort graduation rate shall be assigned a weight of sixty per cent and the five-year adjusted cohort graduation rate shall be assigned a weight of forty per cent~~;~~.

(e) Early literacy, which shall include the performance measures in divisions (D)(1)(g)~~,~~ and (h)~~, and (i)~~ of this section and the reported data in ~~divisions (D)(2)(e) and (l)~~division (D)(2)(k) of this section.

~~If the measure prescribed under division (D)(1)(h) of this section is included in a report card, performance ratings for the early literacy component shall give a weight of forty per cent to the measure prescribed under division (D)(1)(g) of this section, a weight of thirty-five per cent to the measure~~

~~prescribed under division (D)(1)(i) of this section, and a weight of twenty-five per cent to the measure prescribed under division (D)(1)(h) of this section.~~

~~If the measure prescribed under division (D)(1)(h) of this section is not included in a report card of a district or building, performance ratings for the early literacy component shall give a weight of sixty per cent to the measure prescribed under division (D)(1)(g) of this section and a weight of forty per cent to the measure prescribed under division (D)(1)(i) of this section~~Performance ratings for the early literacy component shall give a weight of fifty per cent to each measure. However, if either measure is not included in a report card of a district or building, performance ratings for the early literacy component shall be prescribed by rule of the department.

(f) College, career, workforce, and military readiness, which shall include the performance measure in division ~~(D)(1)(j)~~ (D)(1)(i) of this section and the reported data in division ~~(D)(2)(f)~~ (D)(2)(g) of this section.

For the 2021-2022, 2022-2023, ~~and~~ 2023-2024, and 2024-2025 school years, the department only shall report the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component. The reported data shall include the percentage of students who demonstrate post-secondary readiness using any of the options described in division ~~(D)(1)(j)~~ (D)(1)(i) of this section.

~~The department shall analyze the data included in the performance measure prescribed in division (D)(1)(j) of this section for the 2021-2022, 2022-2023, and 2023-2024 school years. Using that data, the department shall develop and propose rules for a method to assign a performance rating to the~~

~~college, career, workforce, and military readiness component based on that measure. The method to assign a performance rating shall not include a tiered structure or per student bonuses. The rules shall specify that a~~ A district or building shall not receive lower than a performance rating of three stars for the component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department. Notwithstanding division (D)(4)(b) of this section, more than half of the total districts and buildings may earn a performance rating of three stars on this component to account for the districts and buildings that earned a performance rating of three stars because they met or exceeded the level of improvement set by the department.

~~The department shall submit the rules to the joint committee on agency rule review. The committee shall conduct at least one public hearing on the proposed rules and approve or disapprove the rules. If the committee approves the rules, the department shall adopt the rules in accordance with Chapter 119. of the Revised Code. If the rules are adopted, the~~ The department shall assign a performance rating to the college, career, workforce, and military readiness component ~~under the rules~~ beginning with the ~~2024-2025~~ 2025-2026 school year, and for each school year thereafter. ~~If the committee disapproves the rules, the component shall be included in the report card only as reported data for the 2024-2025 school year, and each school year thereafter.~~

(g)(i) ~~Except as provided for in division (D)(3)(g)(ii) of this section, beginning with~~ For the 2022-2023 school year through the 2024-2025 school year, under the method prescribed under rules adopted in division (D)(4) of this section, the department shall use the performance ratings assigned for the

components prescribed in divisions (D)(3)(a) to (e) of this section to determine and assign an overall performance rating of "one star," "one and one-half stars," "two stars," "two and one-half stars," "three stars," "three and one-half stars," "four stars," "four and one-half stars," or "five stars" for a district or building. The method shall give equal weight to the components in divisions (D)(3)(b) and (c) of this section. The method shall give equal weight to the components in divisions (D)(3)(a), (d), and (e) of this section. The individual weights of each of the components prescribed in divisions (D)(3)(a), (d), and (e) of this section shall be equal to one-half of the weight given to the component prescribed in division (D)(3)(b) of this section.

(ii) ~~If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D)(3)(f) of this section, for~~ For the ~~2024-2025~~ 2025-2026 school year, and each school year thereafter, the department's method shall use the components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D)(3)(b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D)(3)(a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D)(3)(a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D)(3)(b) of this section.

~~If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D)(3)~~

~~(f) of this section, division (D)(3)(g)(ii) of this section does not apply.~~

(4)(a) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section, including the method for the department to assign performance ratings under division (D)(3) of this section.

(b) In establishing the performance criteria, benchmarks, and rating system, the department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D)(3)(f) of this section, more than half of all districts or buildings do not earn the same performance rating in any component or overall performance rating.

(c) The department shall adopt the rules prescribed by division (D)(4) of this section not later than March 31, 2022. However, the department shall notify districts and buildings of the changes to the report card prescribed in law not later than one week after September 30, 2021.

(d) Prior to adopting or updating rules under division (D)(4) of this section, the director of education and workforce and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance

criteria, benchmarks, and rating system, including the method to assign performance ratings under division (D)(3) of this section.

(E) The department may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the department develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(F)(1) The letter grades assigned to a school district or building under this section shall be as follows:

(a) "A" for a district or school making excellent progress;

(b) "B" for a district or school making above average progress;

(c) "C" for a district or school making average progress;

(d) "D" for a district or school making below average progress;

(e) "F" for a district or school failing to meet minimum progress.

(2) For the overall performance rating under division (D)(3) of this section, the department shall include a descriptor for each performance rating as follows:

(a) "Significantly exceeds state standards" for a performance rating of five stars;

(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;

(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;

(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;

(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.

(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the department shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the department. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the department shall include the descriptors in division (F)(2) of this section for component performance ratings.

(4) Each report card issued under this section shall include all of the following:

(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.

(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The department shall determine the data to be used for this graphic, which shall include at least the three most recent years of

data.

(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D)(3)(g) of this section, which shall be included in the presentation of the overall performance rating on each report card.

(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(7) Performance of students grouped by those who are economically disadvantaged;

(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;

(9) Performance of students grouped by those who are classified as English learners;

(10) Performance of students grouped by those who have

disabilities;

(11) Performance of students grouped by those who are classified as migrants;

(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.

(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the department.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (G)(1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (G) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (G) of this section that contains less than ten students. If the

department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(H) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(I) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(J)(1)(a) Except as provided in division (J)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if ~~a majority of the students enrolled in~~ the conversion community school ~~are enrolled in~~ is a dropout prevention and recovery ~~program that is operated by the~~ community school, as ~~described in division (B)(1) of~~ defined in section ~~3314.35~~ 3314.02 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (J)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections:

(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card;

(b) To have the number of students attending that community school noted separately on the district's report card.

The election authorized under division (J)(3)(a) of this section is subject to approval by the governing authority of the community school.

Any municipal school district that exercises an election to combine or include data under division (J)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

(K) The department shall include on each report card the percentage of teachers in the district or building who are properly certified or licensed teachers, as defined in section 3319.074 of the Revised Code, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(L)(1) In calculating English language arts, mathematics, science, American history, or American government assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code and all students who take substitute examinations approved under division (B)(4)

of section 3301.0712 of the Revised Code in the subject areas of science, American history and American government.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the department under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment and, to the extent possible, the summer administration of that assessment;

(c) Include for each district or building any English learner in accordance with the department's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.

As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(M) Beginning with the 2015-2016 school year and at least once every three years thereafter, the department shall review

and may adjust the benchmarks for assigning letter grades or performance ratings to the performance measures and components prescribed under divisions (C)(3), (D), and (E) of this section.

Sec. 3302.034. (A) The department of education and workforce shall adopt and specify measures in addition to those included on the report card issued under section 3302.03 of the Revised Code. The measures adopted under this section shall be reported separately, as specified under division (B) of this section, for each school district, each building in a district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code. The measures shall include at least the following:

(1) Data for students who have passed over a grade or subject area under an acceleration policy prescribed under section 3324.10 of the Revised Code;

(2) The number of students who are economically disadvantaged as determined by the department;

(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;

(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;

(5) Postgraduate student outcome data ~~as described under division (E)(2)(d)(ii) of section 3314.017 of the Revised Code~~, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job

placement, and attendance rate;

(6) Availability of courses in fine arts;

(7) Participation with other school districts to provide career-technical education services to students.

(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.

Sec. 3302.13. (A) This section applies to any school district or community school that meets both of the following criteria, as reported on the past two consecutive report cards issued for that district or school under section 3302.03 of the Revised Code:

(1) The district or school received ~~either of the following:~~

~~(a) A grade of "D" or "F" on the kindergarten through third-grade literacy progress measure under division (C)(3)(e) of section 3302.03 of the Revised Code;~~

~~(b) A~~ a performance rating of less than three stars for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code.

(2) Fifty-one per cent or less of the district's students who took the third grade English language arts assessment prescribed under section 3301.0710 of the Revised Code for that school year attained at least a proficient score on that assessment.

(B) By the thirty-first day of December of each year, any school district or community school that meets the criteria set forth in division (A) of this section shall submit to the

department of education and workforce a school or district reading achievement improvement plan, which shall include all requirements prescribed by the department pursuant to division (C) of this section.

(C) The department shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing the content of and deadlines for the reading achievement improvement plans required under division (B) of this section. The rules shall prescribe that each plan include, at a minimum, an analysis of relevant student performance data, measurable student performance goals, strategies to meet specific student needs, a staffing and professional development plan, and instructional strategies for improving literacy.

(D) Any school district or community school to which this section applies shall comply with division (B)(3) of section 3317.25 of the Revised Code. The district or school shall specify in the improvement plan required under division (B) of this section how the district or school will use the disadvantaged pupil impact aid, as defined in section 3317.25 of the Revised Code, to comply with division (B)(3) of section 3317.25 the Revised Code.

(E) Any school district or community school to which this section applies shall no longer be required to submit an improvement plan pursuant to division (B) of this section when that district or school meets either of the following criteria, as reported on the most recent report card issued for that district or school under section 3302.03 of the Revised Code:

(1) The district or school received either of the following:

(a) A grade of "C" or higher on the kindergarten through third-grade literacy progress measure under division (C)(3)(e) of section 3302.03 of the Revised Code;

(b) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code.

(2) Not less than fifty-one per cent of the district's students who took the third grade English language arts assessment prescribed under section 3301.0710 of the Revised Code for that school year attained at least a proficient score on that assessment.

~~(E)~~ (F) The department shall post in a prominent location on its web site all plans submitted pursuant to this section.

Sec. 3302.20. (A) The department of education and workforce shall develop standards for determining, from the existing data reported in accordance with sections 3301.0714 and 3314.17 of the Revised Code, the amount of annual operating expenditures for classroom instructional purposes and for nonclassroom purposes for each city, exempted village, local, and joint vocational school district, each community school established under Chapter 3314. that is not an internet- or computer-based community school, each internet- or computer-based community school, and each STEM school established under Chapter 3326. of the Revised Code. In developing the standards, the department shall adapt existing standards used by professional organizations, research organizations, and other state governments. The department also shall align the expenditure categories required for reporting under the standards with the categories that are required for reporting to the United States department of education under federal law.

(B)(1) The department shall categorize all city, exempted village, and local school districts into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code.

(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number.

(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B)(1) and (2) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom

instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school;

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.

(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.

(2) Within each category of joint vocational school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all such community

schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(5) Within the category of STEM schools, the department shall denote each school that is:

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.

For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some ~~community schools that serve primarily students enrolled in~~ dropout prevention and recovery ~~programs~~community schools.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.

(4) "Dropout prevention and recovery community school" has the same meaning as in section 3314.02 of the Revised Code.

Sec. 3310.033. (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(4) "Sibling" means any of the following:

(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;

(b) A cousin by birth, marriage, or adoption who is residing in the same household;

(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;

(d) A child residing in the same household who is placed

with a guardian or legal custodian;

(e) A child who is residing in the same household and is being cared for by a kinship caregiver;

(f) Any other child under eighteen years of age who has resided in the same household for at least forty-five consecutive days within the last calendar year.

(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. "Caretaker" also means another responsible adult who has care of the child and in whose household the child resides and, if not for residing in that household, the child would be homeless or likely to be homeless.

(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply:

(1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the school year immediately prior to the school year for which the student is seeking a scholarship;

(2) The student is a foster child;

(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;

(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;

(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;

(6) The student satisfies all of the following conditions:

(a) The student is not a foster child or a student described in division (B)(4) of this section.

(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.

(c) The student's parent or guardian resides in this state.

(7) The student is not a child described in division (B)(6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.

(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

(D) The department of education and workforce may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this

section. In the case of a student who qualifies under division (B)(6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.

Sec. 3312.01. (A) As used in this chapter:

(1) "Career-technical planning district" has the same meaning as in section 3317.023 of the Revised Code.

(2) "Community college" has the same meaning as in section 3333.168 of the Revised Code.

(3) "Community school" means a community school established in Chapter 3314. of the Revised Code.

(4) "Information technology center" means an information technology center established under section 3301.075 of the Revised Code.

(5) "STEM school" means a STEM school established under Chapter 3326. of the Revised Code.

(B) The educational regional service system is hereby established. The system shall support state and regional education and workforce development initiatives and ~~efforts~~ shall provide support and technical assistance to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools~~ established under Chapter 3314. of the Revised Code~~, STEM schools, and chartered nonpublic schools.

~~It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services~~

~~without reducing the availability of the services needed by school districts and schools.~~

~~(B)~~ (C) The educational regional service system shall consist of the following:

(1) ~~The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;~~

~~(2)~~ A fiscal agent for each of the regions ~~as configured~~ established by the department of education and workforce under section 3312.02 of the Revised Code;

~~(3)~~ (2) Educational service centers, information technology centers ~~established under section 3301.075 of the Revised Code~~, career-technical planning districts, county boards of developmental disabilities, Ohio college tech prep regional centers, community colleges, and other regional education service providers as determined by the department.

~~(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:~~

~~(1) Assistance in improving student performance;~~

~~(2) Services to enable a school district or school to operate more efficiently or economically;~~

~~(3) Professional development for teachers or administrators;~~

~~(4) Assistance in the recruitment and retention of teachers and administrators;~~

~~(5) Applying for any state or federal grant on behalf of a school district;~~

~~(6) Any other educational, administrative, or operational services.~~

~~In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education and workforce.~~

~~Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.~~

(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant.

(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.

(F) No school district, community school, STEM school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located~~, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory~~

~~the district is located~~.

Sec. 3312.02. Not later than one hundred eighty days after the effective date of this section, the department of education and workforce shall establish not more than sixteen regions in the educational regional service system and designate the boundaries of each region. If the department plans to make any subsequent changes to the number of regions or regional boundaries, the department shall provide notice to the affected regions at least ninety days prior to the first day of July of the fiscal year in which those changes will take effect.

Sec. 3312.07. (A) The department of education and workforce shall select a school district ~~or~~, educational service center ~~in~~, information technology center, career-technical planning district, Ohio college tech prep regional center, county board of developmental disabilities, or community college for each region of the educational regional service system to be the fiscal agent for the region. For this purpose, the department shall issue a request for proposals from ~~districts and service centers~~ entities interested in being a fiscal agent. The department shall select each fiscal agent based upon the following criteria:

(1) Capability to serve as a fiscal agent as demonstrated by a satisfactory audit record and prior experience serving as a fiscal agent;

(2) Adequate capacity in terms of facilities, personnel, and other relevant resources;

(3) Evidence that the ~~school district's or educational service center's~~ entity's role as a fiscal agent would result in minimal disruption to its other responsibilities ~~as a district~~

~~or service center~~;

(4) ~~Demonstrated intent to~~ An assurance that the entity will limit the aggregate fees for administering a performance contract entered into under section 3312.08 of the Revised Code to not more than ~~seven~~ five per cent of the value of the contract.

(B) If no ~~school district or educational service center~~ entity described in division (A) of this section in a region responds to the request for proposals issued by the department or meets the qualification established in the request for proposals, the department ~~shall select a district or service center in the region~~ may select an entity described in that division that is located in another region and that meets the criteria in that division ~~(A) of this section~~ to be the fiscal agent for the region.

Sec. 3312.08. Each fiscal agent selected by the department of education and workforce pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education and workforce development initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to ~~educational service centers, information technology centers, and other regional~~ identified service providers. However, any funds owed to an educational service center in accordance with

an agreement entered into under section 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department and any operating funds appropriated for an information technology center shall be paid directly to the information technology center by the department pursuant to section 3301.075 of the Revised Code.

(C) Implement any expenditure of funds ~~recommended by the advisory council for the region pursuant to section 3312.04 of the Revised Code or~~ required by the terms of any performance contract, unless there are insufficient funds available to the region to pay for the expenditure or the expenditure violates a provision of the Revised Code, a rule of the department regarding such expenditure, or the terms of a performance contract;

(D) Exercise fiscal oversight of the implementation of state and regional education and workforce development initiatives and school improvement efforts as directed by the department.

Sec. 3312.09. (A) Each performance contract entered into by the department of education and workforce and the fiscal agent of a region for implementation of a state or regional education or workforce development initiative or school improvement effort shall include at least all of the following:

(1) An explanation of how the regional needs and priorities for educational services have been identified ~~by the advisory council of the region, the advisory council's subcommittees, and the department~~;

(2) A definition of the services to be provided to school districts, community schools, STEM schools, and chartered

nonpublic schools in the region~~, including any services provided pursuant to division (A) of section 3302.04 of the Revised Code~~;

(3) Expected outcomes from the provision of the services defined in the contract;

(4) The method the department will use to evaluate whether the expected outcomes have been achieved;

(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;

(6) Data reporting requirements;

(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of ~~four~~ three per cent of the value of the contract.

(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.

Sec. 3312.10. The board of education of a city, exempted village, or local school district ~~or~~ , the governing authority of a community school, or the governing body of a STEM school may enter into an agreement, through the adoption of identical resolutions, with the governing authority of an information technology center, under which the information technology center will provide services to the ~~school~~ district or ~~community~~ school. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the parties to the agreement, and shall be specified in the agreement. Payment for services specified in the agreement shall

be the sole responsibility of the board of education ~~or~~ , community school governing authority, or STEM school governing body and shall be made directly to the information technology center providing the services.

Sec. 3312.13. The department of education and workforce shall consider the following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education and workforce development initiatives by regional service providers;

(A) The unique needs and circumstances of the region;

(B) The regional needs and priorities for educational services identified ~~by the advisory council for~~ in the region~~;~~

~~(C) Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code~~.

Sec. 3313.411. (A) As used in this section:

(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(3) "High-performing community school" has the same meaning as in section 3313.413 of the Revised Code.

(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(5) "Unused school facilities" means either:

(a) Any real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for one year;

(b) Any school building that has been used for direct academic instruction ~~but~~ and the building's student enrollment is less than sixty per cent of either of the ~~building was used for that purpose in the preceding school year.~~ following:

(i) The maximum student enrollment established for the building in its architectural specifications or master design plan approved by the Ohio facilities construction commission;

(ii) The greatest student enrollment of the building in the ten most recent school years, including the current school year.

(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools, that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to lease or purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are

located within the territory of the district.

(2) At the same time that a district board makes the offer required under division (B)(1) of this section, the board also may, but shall not be required to, offer that property for sale or lease to the governing authorities of community schools with plans, stipulated in their contracts entered into under section 3314.03 of the Revised Code, either to relocate their operations to the territory of the district or to add facilities, as authorized by division (B)(3) or (4) of section 3314.05 of the Revised Code, to be located within the territory of the district.

(C)(1) If, not later than sixty days after the district board makes the offer, only one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the district board shall sell the property to that party for the appraised ~~fair market~~ value of the property for operation as an educational facility as determined in an appraisal of the property that is not more than one year old.

If, not later than sixty days after the district board makes the offer, more than one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the board shall conduct a ~~public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the governing authorities of high-performing community schools that notified the district treasurer of the intention to purchase the property~~

~~pursuant to division (B) of this section are eligible to bid at the auction~~ lottery to select from among those governing authorities the one governing authority to which the board shall sell the property. The district board is not obligated to accept any ~~bid~~ payment for the property that is lower than the appraised ~~fair market~~ value of the property for operation as an educational facility, as determined in an appraisal that is not more than one year old.

(2) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall then proceed to offer the property for sale or lease to the governing authorities of high performing community schools located outside of the district. If, not later than sixty days after the district board makes the offer, only one governing authority of a high-performing community school offered the property under division (C)(2) of this section notifies the district treasurer in writing of the intention to purchase the property, the district board shall sell the property to that entity for the appraised value of the property for operation as an educational facility, as determined in an appraisal of the property that is not more than one year old.

If, not later than sixty days after the district board makes the offer, more than one governing authority of a high-performing community school offered the property under division (C)(2) of this section notifies the district treasurer in writing of the intention to purchase the property, the district board shall conduct a lottery to select from among those governing authorities the one governing authority to which the

district board shall sell the property. The district board is not obligated to accept any payment for the property that is lower than the appraised value of the property for operation as an educational facility, as determined in an appraisal that is not more than one year old.

(3) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (C)(2) of this section, the district board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to ~~that division~~this section.

If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division ~~(B)~~(C)(3) of this section, the board shall conduct a ~~public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction~~lottery to select from among those entities the one entity to which the district board shall sell the property. The district board is not obligated to accept any payment for the property that is lower than the appraised value of the property for operation as an educational facility, as determined in an appraisal that is not more than one year old.

~~(3)~~(4) If more than one governing authority of a high-performing community school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) or (C) of this section, the district board shall

conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property.

If no such governing authority of a high-performing community school notifies the district treasurer of its intention to lease the property pursuant to division (B) or (C) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college-preparatory boarding school, or STEM school notified the district treasurer of its intention to lease the property pursuant to division (B) or (C) of this section, the district board shall conduct a lottery to select from among those parties the one qualified party to which the district board shall lease the property.

~~(4)~~ (5) The lease price offered by a district board to a community school, college-preparatory boarding school, or STEM school under this section shall not be higher than the ~~fair market~~ value for such a leasehold for operation as an educational facility, as determined in an appraisal that is not more than one year old.

~~(5)~~ (6) If no qualified party offered the property under division (B) or (C) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) or (C) of this section, a school district board may renew any agreement it originally

entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) or (C) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) or (C) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

(F)(1) Not later than November 30, 2025, and annually thereafter, each school district shall report to the department of education and workforce, in the manner determined by the department, both of the following:

(a) Any real district property described in division (A)(5)(a) of this section;

(b) The enrollment data specified in division (A)(5)(b) of this section and the current enrollment for each school building operated by the district.

(2) Not later than December 31, 2025, and annually thereafter, the department shall publish on its web site a list of unused school facilities in each school district.

Sec. 3313.413. (A) As used in this section, "high-performing community school" means ~~either~~ a community school established under Chapter 3314. of the Revise Code that meets any of the following conditions:

(1) ~~A community school established under Chapter 3314. of the Revised Code that meets the following conditions:~~

~~(a) Except as provided in division (A)(1)(b) or (c) of this section, the school both:~~

~~(i) Has received either a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or a performance rating of three stars or higher for achievement under division (D)(3)(b) of that section; or has increased its performance index score under division (C)(1)(b) or (D)(1)(d) of section 3302.03 of the Revised Code in each of the previous three years of operation; and~~

~~(ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D)(3)(c) of that section on its most recent report card rating issued under that section~~ Except as provided for in division (A)(2) or (3) of this section, the community school does both of the following:

(a) The school has a higher performance index score than the school district in which the school is located on the two most recent report cards issued under section 3302.03 of the Revised Code.

(b) The school either has a performance rating of four stars or higher for progress on the most recent report card

issued under section 3302.03 of the Revised Code or is a school described under division (B)(1) of section 3314.35 of the Revised Code and did not receive a rating for progress on the most recent report card.

~~(b)~~ (2) If the community school serves only grades kindergarten through three, the school received ~~either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code or~~ a performance rating of four stars or higher for early literacy ~~under division (D)(3)(c) of that section~~ on its most recent report card issued under ~~that~~ section 3302.03 of the Revised Code.

~~(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (B)(1) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.~~

~~(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.~~ (3) If the community school has not commenced operations or has been in operation for less than one school year, the school meets the following conditions:

(a) The school is replicating an operational and instructional model used by a community school described in division (A)(1) or (2) of this section.

(b) The school either:

(i) Has an operator that received an overall rating of

three stars or higher, or a "C" or higher, on its most recent performance report published under section 3314.031 of the Revised Code;

(ii) Does not have an operator and is sponsored by a sponsor that was rated "exemplary" or "effective" on its most recent evaluation conducted under section 3314.016 of the Revised Code.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(1) If more than one governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the governing authorities of high-performing community schools that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction.

(2) If no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction.

(3) If no governing authority, board of trustees, or governing body notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the district may then offer the property for sale in the manner prescribed under divisions (A) to (F) of section 3313.41 of the Revised Code.

(C) Notwithstanding anything to the contrary in sections 3313.41 and 3313.411 of the Revised Code, the purchase price of any real property sold to any of the entities in accordance with division (B) of this section shall not be more than the appraised fair market value of that property as determined in an appraisal of the property that is not more than one year old.

(D) Not later than the first day of October of each year, the department of education and workforce shall post in a prominent location on its web site a list of schools that qualify as high-performing community schools for purposes of this section and section 3313.411 of the Revised Code.

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against

the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;

(c) Sexually transmitted infection education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in sexually transmitted infection education;

(d) In grades kindergarten through six, annual developmentally appropriate instruction in child sexual abuse prevention, including information on available counseling and resources for children who are sexually abused. Such instruction and information provided shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services. Upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention.

(e) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(f) In grades seven through twelve, developmentally appropriate instruction in dating violence prevention education and sexual violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships, except that upon written request of the student's parent or guardian a student shall be excused from taking instruction in sexual violence prevention.

In order to assist school districts in developing a dating violence prevention education and sexual violence prevention education curriculum, the department of education and workforce shall provide on its web site links to free curricula addressing dating violence prevention and sexual violence prevention education. Such instruction and information shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services.

Each school district shall notify the parents and legal guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention, as described under divisions (A)(5)(d) and (f) of this section, of all of the following:

(i) That instruction in child sexual abuse prevention and sexual violence prevention is a required part of the district's curriculum;

(ii) That upon request, parents and legal guardians may examine such instructional materials in accordance with this section;

(iii) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention and sexual violence prevention instruction materials used at that school, the principal, within forty-eight hours after the request is made, shall allow the parent or guardian to

examine those materials at that school.

(g) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(h) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;

(i) ~~Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in~~ In grades six through twelve, ~~at least one hour or one standard class period per school year of~~ annual developmentally appropriate, evidence-based instruction in mental health promotion and suicide ~~awareness and~~ prevention ~~and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence prevention;~~ , which shall include information on the development and maintenance of positive mental health, stigma reduction, the signs and symptoms of depression, suicide, and self-harm, and seeking help for self and peers.

(j) ~~Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in~~ In grades ~~six~~ kindergarten through twelve, ~~at least one hour or one standard class period per school year of~~ annual evidence-based ~~social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion~~universal prevention

practices or programs that teach students the necessary knowledge and skills to improve health and wellness outcomes, which shall focus on enhancing interpersonal skills, encouraging healthy decision-making, and increasing resiliency.

For the instruction required under divisions (A)(5)(i) and (j) of this section, the board shall use a training program or practice approved by the department of education and workforce under section 3301.221 of the Revised Code.

~~Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A)(5)(i) and (j) of this section~~Prior to providing the instruction, the board shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from receiving the instruction.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section 3313.6021 of the Revised Code when offered in any of grades nine through twelve, safety, and fire prevention. However, upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the

requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.

(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curricula for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of

third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of

performance on an alternative standardized reading assessment as determined by the department of education and workforce.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(f) A student's parent or guardian, in consultation with

the student's reading teacher and building principal, requests that the student, regardless of if the student is reading at grade level, be promoted to the fourth grade.

A student who is promoted under division (A)(2)(f) of this section shall continue to receive intensive reading instruction in the same manner as a student retained under this section until the student is able to read at grade level.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student~~, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis,~~ enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September ~~for students in grades one to three, and by the twentieth day of instruction of the school year for students in kindergarten~~. Each district shall use the diagnostic assessment ~~to measure reading ability~~ for the appropriate grade level adopted under section 3301.079 of the Revised Code~~, or a comparable tool approved by the department of education and workforce,~~ to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(v) A statement that connects the child's proficiency level in reading to long-term outcomes of success related to proficiency in reading.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall be aligned with the science of reading as defined under section 3313.6028 of the Revised Code and include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment ~~or comparable tool~~ administered under division (B)(1) of this section. The district shall involve the student's parent or

guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

(7) ~~High-dosage~~ The provision of high-dosage tutoring ~~opportunities~~ aligned with the student's classroom instruction

through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved ~~opportunity~~ program that aligns with high-dosage tutoring best practices identified by the department. High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ instruction time of at least three days per week, or at least fifty hours over thirty-six weeks. High-dosage tutoring may be incorporated into a student's regular classroom instruction.

The district shall continue to provide the plan developed under division (C) of this section until the student achieves the required level of skill in reading for the student's current grade level.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the department. The director of education and workforce annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts,

aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the department under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the department.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who

holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. The alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the department of education and workforce under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a registration under section 3319.221 of the Revised Code.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised

Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. The alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the department of education and workforce under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later

than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

(K) The department of education and workforce shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

Sec. 3313.609. (A) As used in this section~~:~~

~~(1) "Truant" means absent without excuse.~~

~~(2) "Academically prepared"~~ , "academically prepared" means whatever educational standard the board of education of each city, exempted village, local, and joint vocational school district establishes as necessary for the promotion of a student to the next grade level pursuant to the policy adopted under division (B) of this section.

(B) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a grade promotion and retention policy for students that complies with this section and section 3313.608 of the Revised Code. The policy shall prohibit the promotion of a student to the next grade level if the student ~~has been truant for more than ten per cent of the required attendance days of the current school year and~~ has failed two or more of the required curriculum subject areas in the current grade unless the student's principal and the teachers of any failed subject areas agree that the student is academically prepared to be promoted to the next grade level.

Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs;

(5) Courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B)(1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local,

or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for

advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination.

(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F)(2) of this section and is approved by the director of education and workforce and the chancellor of higher education.

The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described under this section.

(F) As used in this section:

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcripted credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;

(b) Students who are economically disadvantaged, as defined by the department of education and workforce;

(c) Students whose parents did not earn a college degree.

Sec. 3313.6020. (A)(1) Beginning in the 2015-2016 school year, the board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy on career advising that complies with this section. Thereafter, the policy shall be updated at least once every two

years.

(2) The board shall make the policy publicly available to students, parents, guardians, or custodians, local post-secondary institutions, and residents of the district. The district shall post the policy in a prominent location on its web site, if it has one.

(B) The policy on career advising shall specify how the district will do all of the following:

(1) Provide students with grade-level examples that link their schoolwork to one or more career fields. A district may use career connections developed under division (B)(2) of section 3301.079 of the Revised Code for this purpose.

(2) Create a plan to provide career advising to students in grades six through twelve;

(3) Beginning in the 2015-2016 school year, provide additional interventions and career advising for students who are identified as at risk of dropping out of school in accordance with division (C) of this section;

(4) Train its employees on how to advise students on career pathways, including training on advising students using online tools;

(5) Develop multiple, clear academic pathways through high school that students may choose in order to earn a high school diploma;

(6) Identify and publicize courses that can award students both traditional academic and career-technical credit;

(7) Document the career advising provided to each student for review by the student, the student's parent, guardian, or

custodian, and future schools that the student may attend. A district shall not otherwise release this information without the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old.

(8) Prepare students for their transition from high school to their post-secondary destinations, including any special interventions that are necessary for students in need of remediation in mathematics or English language arts;

(9) Include information regarding career fields that require an industry-recognized credential, certificate, associate's degree, bachelor's degree, graduate degree, or professional degree;

(10) Provide students with information about ways a student may offset the costs of a post-secondary education, including programs such as all of the following:

(a) The reserve officer training corps;

(b) The college credit plus program established under Chapter 3365. of the Revised Code;

(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;

(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.

The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B)(10) of this

section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.

(C)(1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.

(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the parent, guardian, or custodian a copy of the student's success plan and a statement of the importance of a high school diploma and the academic pathways available to the student in order to successfully graduate.

(3) Following the development of a student success plan for a student, the district shall provide career advising to the student that is aligned with the plan and, beginning in the 2015-2016 school year, the district's plan to provide career advising created under division (B)(2) of this section.

(D)(1) The department of education and workforce shall develop and post on its web site model policies on career advising and model student success plans.

(2) The department shall create an online clearinghouse of research related to proven practices for policies on career advising and student success plans that districts may access when fulfilling the requirements of this section.

(3) The department shall develop and make available informational materials for students in grades seven and eight about career opportunities available to them, including in-demand jobs as defined in section 3333.94 of the Revised Code, and how a career-technical education may help them satisfy graduation conditions under section 3313.618 of the Revised Code.

(4) The department, in consultation with the governor's office of workforce transformation, shall develop a career pathways resource for students. Each school district shall distribute the resource, at least annually and in the manner prescribed by the department, to all students in grades six to twelve.

Sec. 3313.6028. (A)(1) As used in Title XXXIII of the Revised Code, "science of reading" means an interdisciplinary body of scientific evidence that:

(a) Informs how students learn to read and write proficiently;

(b) Explains why some students have difficulty with reading and writing;

(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers;

(d) Does not rely on any model of teaching students to

read based on meaning, structure and syntax, and visual cues, including a three-cueing approach.

(2) As used in this section, "three-cueing approach" means any model of teaching students to read based on meaning, structure and syntax, and visual cues.

(B) The department of education and workforce shall establish a list of high-quality core curriculum and instructional materials in English language arts, and a list of evidence-based reading intervention programs, that are aligned with the science of reading and strategies for effective literacy instruction.

(C) Beginning not later than the 2024-2025 school year, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts in each of grades pre-kindergarten to five and evidence-based reading intervention programs in each of grades pre-kindergarten to twelve only from the lists established under division (B) of this section. Except as provided in division (D) of this section, no district or school shall use any core curriculum, instructional materials, or intervention program in grades pre-kindergarten to five that use the three-cueing approach to teach students to read.

(D) A district or school may apply to the department for a waiver on an individual student basis to use curriculum, instructional materials, or an intervention program in grades pre-kindergarten through five that uses the three-cueing approach to teach students to read, except as follows:

(1) No student for whom a reading improvement and monitoring plan has been developed under division (C) of section 3313.608 of the Revised Code shall be eligible for a waiver.

(2) If a student has an individualized education program that explicitly indicates the three-cueing approach is appropriate for the student's learning needs, the student shall not be required to have a waiver.

In determining whether to approve a waiver requested under this section, the department shall consider the performance of the student's district or school on the state report card issued under section 3302.03 of the Revised Code, including on the early literacy component prescribed under division (D)(3)(e) of that section.

(E)(1) The department shall identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum and instructional materials and reading intervention programs on the lists established under division (B) of this section.

(2) A professional development committee established under section 3319.22 of the Revised Code shall qualify any completed professional development coursework provided by a vendor described in division (E)(1) of this section to count towards professional development coursework requirements for teacher licensure renewal.

(3) A professional development committee shall permit a teacher to apply any hours earned over the minimum amount of hours required for professional development coursework for teacher licensure renewal under division (E)(2) of this section

to the next renewal period for that license.

Sec. 3313.6031. (A) As used in this section, "other high school" means any of the following that offers any of grades nine through twelve:

(1) A community school established under Chapter 3314. of the Revised Code;

(2) A STEM school established under Chapter 3326. of the Revised Code;

(3) A chartered nonpublic school.

(B) Each city, local, exempted village, and joint vocational school district and other high school that has students enrolled in courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code shall adopt and implement a policy for the awarding of grades and the calculation of class standing for those courses.

A district's or school's policy under this section shall be equivalent to the district's or school's policy for courses taken under the advanced standing programs described in divisions (A)(1) to (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the district or school, including procedures for awarding a weighted grade or enhancing a student's class standing for those courses.

Sec. 3313.6032. (A) As used in this section, "advanced learning opportunities in mathematics" or "advanced mathematics course" means learning opportunities or a course that provides academic content or rigor that exceeds the standard mathematics curriculum for the student's grade level, as determined by the district.

(B) Except as otherwise provided in division (C) of this section, each city, local, exempted village, and joint-vocational school district shall provide each student that achieves an advanced level of skill on a mathematics achievement assessment as prescribed under section 3301.0710 or end-of-course examination under section 3301.0712 of the Revised Code with advanced learning opportunities in mathematics including advanced mathematics courses in the following school year. Each student shall take any corresponding required achievement assessment or end-of-course examination for any mathematics course the student takes under those sections.

(C)(1) No school district is subject to division (B) of this section if it does not offer the advanced learning opportunities in mathematics or an advanced mathematics course for the grade level in which the student is enrolled for the next school year.

(2) Each school district shall notify the parent or guardian of a student who qualifies for advanced learning opportunities in mathematics under division (B) of this section of that determination. The parent or guardian of any such student may submit a written request for that student to not receive the advanced learning opportunities in mathematics or to not be enrolled in the advanced mathematics course. In which case, the district shall not be required to provide that student with advanced mathematics instruction under division (B) of this section.

Sec. 3313.617. ~~Not later than June 30, 2020, each~~(A) Each board of education of a school district and governing authority of a chartered nonpublic school shall adopt a policy regarding students who are at risk of not qualifying for a high school

diploma. The policy shall require the district or school to do all of the following:

~~(A)~~ (1) Develop criteria for identifying at-risk students, which shall include a student's lack of adequate progress in meeting the terms of a graduation and career plan developed or updated under division ~~(E)~~ (A)(5) of this section. The criteria also may include other factors, such as if a student has issues regarding excessive absences or misconduct.

~~(B)~~ (2) Develop procedures for identifying at-risk students. The procedures shall include a method for determining if a student is not making adequate progress in meeting the terms of a graduation and career plan developed or updated under division ~~(E)~~ (A)(5) of this section. The procedures shall allow for a student to be identified as at risk in each of grades nine through twelve. The procedures also may include the identification of students in other grades.

~~(C)~~ (3) Develop a notification process in which the district or school shall notify an at-risk student's parent, guardian, or custodian in each year in which the student has been identified as at risk. The notification process shall at least include providing a written notification to the at-risk student's parent, guardian, or custodian, which shall include all of the following:

~~(1)~~ (a) A statement that the student is at risk of not qualifying for a high school diploma;

~~(2)~~ (b) A description of the district's or school's curriculum requirements, or the student's individualized education program, and, as appropriate, the graduation conditions prescribed under section 3313.618 or 3313.619 of the

Revised Code;

~~(3)~~ (c) A description of any additional instructional or support services available to the at-risk student through the district or school.

~~(D)~~ (4) Assist at-risk students with additional instructional or support services to help the students qualify for a high school diploma. The instructional and support services may include any of the following:

~~(1)~~ (a) Mentoring programs;

~~(2)~~ (b) Tutoring programs;

~~(3)~~ (c) High school credit through demonstrations of subject area competency under division (J) of section 3313.603 of the Revised Code;

~~(4)~~ (d) Adjusted curriculum options;

~~(5)~~ (e) Career-technical programs;

~~(6)~~ (f) Mental health services;

~~(7)~~ (g) Physical health care services;

~~(8)~~ (h) Family engagement and support services.

~~(E)~~ ~~(1)~~ (5) Develop a graduation and career plan for each student enrolled in grades nine through twelve in the district or school. The graduation and career plan shall address the student's ~~academic~~ pathway to ~~meet~~both of the following:

(a) Meeting the curriculum requirements specified by the district or school and ~~satisfy~~satisfying the graduation conditions, as appropriate, under section 3313.618 or 3313.619 of the Revised Code;

(b) Identifying post-graduation career goals and aligning the student's high school experience to those goals.

~~(2) The~~ (6) Ensure the graduation and career plan ~~shall be~~ is developed jointly by the student and a representative of the district or school ~~and~~or a representative of an organization the district or school partners with for career planning and advising supports. The plan shall be updated each school year in which the student is enrolled in the district or school, until the student qualifies for a high school diploma. The district or school shall invite a student's parent, guardian, or custodian to assist in developing and updating the graduation and career plan.

~~(3) A district or school shall include~~ (7) Include a student's lack of progress in meeting the terms of a graduation and career plan developed or updated under this ~~division~~ section as both a criterion for identifying at-risk students under division ~~(A)~~(A)(1) of this section and a procedure for identifying at-risk students under division ~~(B)~~(A)(2) of this section~~.~~;

~~(4) A~~ (8) Ensure that a graduation and career plan developed under this section ~~shall supplement~~conforms to a school district's policy on career advising adopted under section 3313.6020 of the Revised Code~~.~~;

~~(5) A~~ (9) Permit a school district ~~may~~ to use the individualized education program developed for a student pursuant to section 3323.08 of the Revised Code in lieu of developing a graduation and career plan under this ~~division~~ section, if the individualized education program contains ~~academic~~ goals substantively similar to a graduation and career plan~~.~~;

(10) Ensure that a graduation and career plan aligns to any student success plan developed for the student under division (C) of section 3313.6020 of the Revised Code.

(B) The department of education and workforce shall adopt rules regarding the content of graduation and career plans.

Sec. 3313.618. (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the department of education and workforce under division (F) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

For the purposes of this division, the industry-recognized

credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to satisfy the requirements of this section, the school district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

(B) In addition to the curriculum requirements specified by the district board or school governing authority, each student entering ninth grade for the first time on or after July 1, 2019, shall satisfy the following conditions in order to qualify for a high school diploma:

(1) Attain a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code.

School districts and chartered nonpublic schools shall offer remedial support to any student who fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations.

Following the first administration of the exam, if a student fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations that student must retake the respective examination

at least once.

If a student fails to attain a competency score on a retake examination, the student may demonstrate competency in the failed subject area through one of the following options:

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the failed subject area;

(b) Complete two of the following options, one of which must be foundational:

(i) Foundational options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that ~~is at least equal to the total number of points~~ meet the criteria established under that section to qualify for a high school diploma, obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license, completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field, completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which include ~~completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations,~~ obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department, on the nationally recognized job skills assessment selected by the department under division (F) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

(d) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment.

Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code.

(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the

following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

(C)(1) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) or (D) of this section, as applicable, in order to qualify for a high school diploma. However, any student subject to division (B) of this section who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the Algebra I or English language arts II end-of-course examination shall not be required to retake the applicable examination prior to demonstrating competency in the failed subject area under the options prescribed in divisions (B)(1)(a) to (d) of this section.

(2) The department shall prescribe standards that allow a transfer student who, prior to the student's transfer, took an assessment described in division (B)(1) or (2) of section 3301.0712 or section 3313.619 of the Revised Code to apply the score from that assessment towards graduation requirements at the student's new public or chartered nonpublic school.

(D) Notwithstanding division (B) of this section, in

addition to the curriculum requirements specified by the school governing authority, a chartered nonpublic school student subject to division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code entering ninth grade for the first time on or after July 1, 2019, shall qualify for a high school diploma if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination or earn diploma seals under this section.

(E) The department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the department or the director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.6113. (A) The director of education and workforce, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code.

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized

credentials and licenses aligned with the in-demand jobs list published by the department of job and family services and other relevant demand data;

(2) ~~Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;~~

~~(3)~~ Review and update the list of industry-recognized credentials and licenses at least biennially;

~~(4) Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that~~(3) Establish the criteria under which a student ~~must earn to~~ may use industry-recognized credentials to help qualify for a high school diploma under sections 3313.618 and 3313.6114 of the Revised Code;

~~(5)~~(4) Update the list of industry-recognized credentials to include a driver's license obtained by a student through a driver education course offered by a school district in accordance with section 3301.17 of the Revised Code.

(C) For purposes of divisions (B)(2)(d), (C)(2)(e), and ~~(D)(1)(j)(v)~~(D)(1)(i)(v) of section 3302.03 of the Revised Code, the department of education and workforce shall include only those students who earn an industry-recognized credential, or group of credentials, ~~at least equal to the total number of points~~ that meet the criteria established by the committee under this section to qualify for a high school diploma.

Sec. 3313.6114. (A) The department of education and workforce shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals

may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.

(C) The department shall establish all of the following state diploma seals:

(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by doing either of the following:

(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that ~~is both of the following:~~

~~(i) At least equal to the total number of points~~ meets the criteria established under that section ~~3313.6113 of the Revised~~

~~Code~~ to qualify for a high school diploma~~;~~

~~(ii) Aligned~~ and aligns to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.

(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(3) A military seal. A student shall meet the requirement for this seal by doing one of the following:

(a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code;

(b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code;

(c) Providing evidence that the student has accepted a scholarship to enter the reserve officer training corps;

(d) Providing evidence that the student has been appointed to a United States military service academy.

(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations in lieu of the American history and American government end-of-course examinations;

(c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either:

(i) An American history course and an American government course that are offered by the student's high school;

(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.

(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the department on the alternate assessment in social studies;

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in

courses that correspond with the American history and American government end-of-course examinations and that the student completed in the state from which the student transferred or completed while receiving home education or attending a nonchartered, nontax-supported school. Division (C)(4)(e) of this section does not apply to any such student with respect to an American history or American government course for which an end-of-course examination is associated that the student takes after enrolling in the high school.

(5) A science seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on the science end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination in lieu of the science end-of-course examination;

(c) In lieu of the science end-of-course examination, attaining a final course grade that is the equivalent of a "B" or higher in either:

(i) A science course listed in divisions (C)(5)(c)(i) to (iii) of section 3313.603 of the Revised Code that is offered by the student's high school;

(ii) An appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code.

(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the department on the alternate assessment in science;

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(5)(e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination;

(b) Attaining a final course grade that is the equivalent

of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code;

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department. However, a district or school shall not be required to offer a course that meets those guidelines.

(d) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course, as determined by the district or school, that the student completed in the state from which the student transferred or completed while receiving home education or attending a nonchartered, nontax-supported school.

(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority.

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority.

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a

meaningful extent, as determined by guidelines adopted by the student's district board or school governing authority.

(D)(1) Each district or school shall develop guidelines for at least one of the state seals prescribed under divisions (C)(8) to (10) of this section.

(2) For the purposes of determining whether a student who transfers to a district or school has satisfied the state diploma seal requirement under division (B)(2) of section 3313.618 of the Revised Code, each district or school shall recognize a state diploma seal prescribed under divisions (C)(8) to (10) of this section and earned by a student at another district or a different public or chartered nonpublic school regardless of whether the district or school to which the student transfers has developed guidelines under this section for that state seal.

(3) In guidelines developed for a state diploma seal prescribed under divisions (C)(8) to (10) of this section, each district or school shall include a method to give, to the extent feasible, a student who transfers into the district or school a proportional amount of credit for any progress the student was making toward earning that state seal at the school district or different public or chartered nonpublic school from which the student transfers.

(E) Each district or school shall maintain appropriate records to identify students who have met the requirements prescribed under division (C) of this section for earning the state seals established under that division.

(F) The department shall prepare and deliver to each district or school an appropriate mechanism for assigning a

state diploma seal established under division (C) of this section.

(G) A student shall not be charged a fee to be assigned a state seal prescribed under division (C) of this section on the student's diploma and transcript.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the department of children and youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment,

agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) Except as provided in division (B)(4) of this section or division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

(4)(a) A child who does not reside in the district where the child's parent resides is not required to be admitted to the schools of the district in which the child resides if both of the following apply:

(i) The child resides in a home, or in a facility similarly licensed in another state, and the child was placed in

the home or facility by the child's parent in consultation with, and upon the recommendation of, the Ohio resilience through integrated systems and excellence program for children and youth involved in multiple state systems.

(ii) The home provides education services that meet the minimum education standards under division (D)(2) of section 3301.07 of the Revised Code or, in the case of a facility located in another state, meets substantially similar requirements of the jurisdiction where the facility is located, except that the home or facility may provide the child with less than the minimum number of instructional hours required only as necessary to accommodate the child's treatment program.

(b) Upon a child's admission to a home pursuant to division (B)(4)(a) of this section, the home shall notify the district where the child's parent resides and the district where the home is located that the home is providing educational services to the child until the child is discharged. Upon a child's admission to a facility located in another state pursuant to division (B)(4)(a) of this section, the facility shall notify the district where the child's parent resides that the facility is providing educational services to the child until the child is discharged. In either case, the district where the child's parent resides shall continue to enroll the student as provided in division (C)(5) of this section and shall excuse the child from attendance until the child is discharged from the home or facility.

(c) Upon a child's discharge from a home or facility, the home or facility shall notify the district where the child's parent resides. The home or facility and the district shall collaborate on a supportive reentry plan into school for the

child.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education and workforce has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent

and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this

section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(5) In the case of a child to whom division (B)(4) of this section applies, and except as otherwise provided in division (C)(5)(f) of this section, tuition shall be paid to the home or facility for educational services provided to the child by the school district in which the child's parent resides according to the following:

(a) The total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce. The department shall design the formula to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the home or facility providing the educational services and the district that is responsible to pay the tuition for the child. The department

shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the home or facility providing the educational services to the child.

(b) The district responsible to pay tuition shall continue to report the child in its enrollment for purposes of section 3317.03 of the Revised Code.

(c) If the parent's residence changes to a different school district while the child resides in the home or facility, the department of education and workforce may re-determine the school district responsible for tuition based on evidence provided by the district currently responsible for tuition.

(d) Upon a child's discharge from the home or facility, the home or facility shall immediately notify the district where the child's parent resides and the department of education and workforce. The notification shall include a certified transcript of all coursework completed by the child while residing in the home or facility. The district where the child's parent resides shall accept all coursework completed by the child while in the home or facility and shall award credit for that coursework in accordance with district policy.

(e) Following discharge from the home or facility and return to the parent's residence, high school students shall meet requirements under section 3313.618 of the Revised Code in order to qualify for a high school diploma that are no more stringent than those that apply to students who enroll into an Ohio public or chartered nonpublic high school after receiving a home education under section 3321.042 of the Revised Code.

(f) If the child is provided educational services by a

chartered nonpublic school while residing in a home and the child has been awarded a scholarship under a state scholarship program, as defined in section 3301.0711 of the Revised Code, no school district shall be responsible for paying tuition under division (C)(5) of this section.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a

period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the

case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The department of education and workforce shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose

parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the

Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of

the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides

with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01,

3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated

outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district

entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education and workforce shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the director of education and workforce a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the director requires.

Upon receipt of the report the director, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the director of education and workforce shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or

shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the director pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

Sec. 3313.6611. Each local, city, exempted village, joint vocational school district, community school established under Chapter 3314., STEM school established under Chapter 3326., and college-preparatory boarding school established under Chapter 3328. of the Revised Code may ~~designate a student-led violence prevention club~~ provide youth peer-led programming based on relational connections and youth empowerment models for each school building in the district or school serving grades six through twelve. ~~If created, each club shall do the following~~Youth peer-led programming shall do the following:

(A) Be open to all members of the student body;

(B) Have at least one identified adult advisor;

(C) ~~Implement and sustain suicide and violence prevention and social inclusion training and awareness activities in a manner consistent with section 3301.221 of the Revised Code;~~

~~(D)~~ Foster opportunities for student leadership development;

(D) Promote help-seeking behaviors;

(E) Encourage students to individually assess and develop strengths in their lives.

Sec. 3313.753. (A) As used in this section:

(1) "Electronic communications device" means any device that is powered by batteries or electricity and that is capable of receiving, transmitting, or receiving and transmitting communications between two or more persons or a communication from or to a person.

(2) "School" means any school that is operated by a board of education of a city, local, exempted village, or joint vocational school district.

(3) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted.

(4) "School grounds or premises" means either of the following:

(a) The parcel of real property on which any school building is situated;

(b) Any other parcel of real property that is owned or

leased by a board of education and on which some of the instruction, extracurricular activities, or training of the school is conducted.

(B) The board of education of any city, exempted village, local, joint vocational, or cooperative education school district may adopt a policy prohibiting students from carrying an electronic communications device in any school building or on any school grounds or premises of the district. The policy may provide for exceptions to this prohibition as specified in the policy. The policy shall specify any disciplinary measures that will be taken for violation of this prohibition.

If a board of education adopts a policy under this division, the board shall post the policy in a central location in each school building and make it available to students and parents upon request.

~~(C)~~ (C)(1) Not later than the first day of ~~July~~ January that immediately follows ~~the effective date of this amendment~~the effective date of this amendment, each school district board of education shall adopt a policy governing the use of cellular telephones by students during school hours. The policy shall ~~do all of the following:~~

~~(1) Emphasize that student cellular telephone use be as limited as possible during school hours;~~

~~(2) Reduce cellular telephone-related distractions in classroom settings;~~

~~(3)~~prohibit all cellular telephone use by students during the instructional day, except as described in division (C)(2) of this section.

(2) If determined appropriate by the district board, or if

included in a student's individualized education program developed under Chapter 3323. of the Revised Code or plan developed under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, ~~permit~~ students ~~to~~ may use cellular telephones or other electronic communications devices for student learning or to monitor or address a health concern.

(D) ~~Division (C) of this section shall not be construed to require a district board to adopt a policy that prohibits all cellular telephone use by students. Nonetheless, any~~ Any district board that adopts a policy that prohibits all cellular telephone use by students shall be considered to have met the requirements in division (C) of this section.

(E) Any district board that adopts a policy that meets the requirements prescribed in division (C) of this section prior to ~~the effective date of this amendment~~the effective date of this amendment, shall be considered to have met the requirement to adopt a policy under this section.

(F) Each district board that adopts a policy under this section after ~~the effective date of this amendment~~the effective date of this amendment, shall do so at a public meeting of the board.

(G) Each district board shall make any policy it adopts under this section publicly available and post it prominently on its publicly accessible web site, if it has one.

(H) Not later than sixty days after ~~the effective date of this amendment~~ the effective date of this amendment, the department of education and workforce shall develop a model policy that meets the requirements prescribed in division (C) of this section. To the extent possible, the model policy shall

take into account available research concerning the effect of the use of cellular telephones by students in school settings. The model policy may be utilized by districts and schools.

Sec. 3313.8110. (A) As used in this section:

(1) "National school breakfast program" means the federal school breakfast program created under 42 U.S.C. 1773.

(2) "National school lunch program" means the federal school lunch program created under 42 U.S.C. 1751.

(3) "Identified student percentage" means the percentage of a school district's student enrollment certified as categorically eligible for free meals as described in 7 C.F.R. 245.6 or successor regulations.

(4) "Community eligibility provision" means the federal program created under 42 U.S.C. 1759a(a)(1)(F).

(B) Each school district that participates in the national school breakfast program and has an identified student percentage of at least twenty-five per cent shall participate in the federal community eligibility provision and provide a breakfast at no cost to each enrolled student.

(C) Each school district that participates in the national school lunch program and has an identified student percentage of at least twenty-five per cent shall participate in the federal community eligibility provision and provide a lunch at no cost to each enrolled student.

(D) If a district or school determines that, for financial reasons, it cannot comply with division (B) or (C) of this section, the district or school may choose not to comply with either or both divisions. The district or school publicly shall

communicate to the residents of the district, in the manner it determines appropriate, its decision not to comply.

Sec. 3313.90. As used in this section, "formula ADM" has the same meaning as in section 3317.02 of the Revised Code. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section that apply to a city school district do not apply to any joint vocational or cooperative education school district.

(A) Except as provided in division (B) of this section, each city, local, and exempted village school district shall, by one of the following means, provide to students enrolled in grades seven through twelve career-technical education adequate to prepare a student enrolled therein for an occupation:

(1) Establishing and maintaining a career-technical education program that meets standards adopted by the department of education and workforce;

(2) Being a member of a joint vocational school district that meets standards adopted by the department;

(3) Contracting for career-technical education with a joint vocational school district or another school district that meets the standards adopted by the department.

The standards of the department shall include criteria for the participation by nonpublic students in career-technical education programs without financial assessment, charge, or tuition to such student except such assessments, charges, or tuition paid by resident public school students in such programs. Such nonpublic school students shall be included in the formula ADM of the school district maintaining the career-technical education program as part-time students in proportion

to the time spent in the career-technical education program.

By the thirtieth day of October of each year, the director of education and workforce shall determine and certify to the superintendent of each school district subject to this section either that the district is in compliance with the requirements of this section for the current school year or that the district is not in compliance. If the director certifies that the district is not in compliance, the director shall notify the board of education of the district of the actions necessary to bring the district into compliance with this section.

In meeting standards established by the department, school districts, where practicable, shall provide career-technical education programs in high schools. A minimum enrollment of ~~fifteen hundred students in grades nine through twelve is established as a base for comprehensive career-technical education course offerings. Beginning with the 2015-2016 school year, this base shall increase to a minimum enrollment of~~ two thousand two hundred fifty students in grades seven through twelve is the base for comprehensive career-technical education course offerings. A school district may meet this requirement alone, through a cooperative arrangement pursuant to section 3313.92 of the Revised Code, through school district consolidation, by membership in a joint vocational school district, by contract with a school district, by contract with a school licensed by any state agency established by the Revised Code which school operates its courses offered for contracting with public schools under standards as to staffing and facilities comparable to those prescribed by the department for public schools provided no instructor in such courses shall be required to be certificated by the department, or in a combination of such ways. Exceptions to the minimum enrollment

prescribed by this section may be made by the department based on sparsity of population or other factors indicating that comprehensive educational and career-technical education programs as required by this section can be provided through an alternate plan.

(B) ~~If~~ Until July 1, 2026, the department shall waive the requirement for a city, local, or exempted village school district to provide career-technical education to students enrolled in grades seven and eight for that particular school year, if the board of education of ~~a city, local, or exempted village school~~ that district adopts a resolution that specifies the district's intent not to provide career-technical education to students enrolled in grades seven and eight for a particular school year and submits that resolution to the department by the thirtieth day of September of that school year~~, the department shall waive the requirement for that district to provide career-technical education to students enrolled in grades seven and eight for that particular school year~~.

Sec. 3313.902. (A) As used in this section:

(1) "Competency-based educational program" means any system of academic instruction, assessment, grading, and reporting in which individuals receive credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. A competency-based educational program shall encourage accelerated learning among individuals who master academic materials quickly while providing additional instructional support time for individuals who need it.

(2) "Eligible individual" means an individual who satisfies all of the following criteria:

(a) The individual is at least eighteen years of age.

(b) The individual is officially withdrawn from school.

(c) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code.

(3) "Eligible provider" means a city, local, or exempted village school district that operates a dropout prevention and recovery program or a joint vocational school district that operates an adult education program.

(4) "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code.

(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of this section to earn a diploma and attain the individual's career goals.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program under division (B) of this section who meets either of the following conditions:

(1) The individual demonstrates competency by completing at least three of the following activities, at least one of

which shall be the activity described in division (C)(1)(a) or (b) of this section:

(a) Attaining a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of that section;

(b) Attaining a workforce readiness score, as determined by the department, on the nationally recognized job skills assessment selected by the department under division (F) of section 3301.0712 of the Revised Code;

(c) Obtaining an industry-recognized credential, or group of credentials, in a single career field approved under section 3313.6113 of the Revised Code that is at least equal to the total number of points established under that section to qualify for a high school diploma or earning an industry-recognized credential that is aligned to a technical education program provided by an Ohio technical center;

(d) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;

(e) Doing either of the following:

(i) Completing a pre-apprenticeship program aligned with options established under section 3313.904 of the Revised Code in the individual's chosen career field and providing evidence of acceptance into a registered apprenticeship program in that career field;

(ii) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the individual's chosen career field.

(f) Completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations;

(g) Obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code.

(2) The individual demonstrates competency by completing at least two of the activities described in divisions (C)(1)(a) to (g) of this section and earns course credits distributed as follows:

(a) English language arts, four credits;

(b) Mathematics, four credits. One credit may be a career-based mathematics course aligned to the individual's career plan developed under division (B) of this section.

(c) Science, three credits;

(d) Social studies, three credits;

(e) Financial literacy, one-half credit. The one-half credit of financial literacy may be applied toward the number of mathematics or social studies credits required under division (C)(2) of this section.

(D) An eligible provider shall report each individual enrolled in a program under division (B) of this section to the department. The department annually shall certify the enrollment and attendance of each individual reported under this division and shall pay the provider up to $7,500 per school year, as determined by the department based on the extent of the individual's successful completion of the diploma requirements prescribed in division (C) of this section.

(E) Notwithstanding anything in this section to the contrary, an eligible provider may request that the department

allow an eligible individual to enroll in a program under division (B) of this section for more than three consecutive school years due to a hardship experienced by the individual that necessitates additional time to meet the diploma requirements prescribed in division (C) of this section.

(F) An eligible individual shall not be assigned to classes or settings with individuals who are younger than eighteen years of age.

(G) Each eligible provider shall contact each individual to whom a diploma is awarded under this section to collect data on the individual's career and educational outcomes at six months, twelve months, and eighteen months after the awarding of the diploma. At each time of contact, the provider shall request information regarding whether the individual is gainfully employed, participating in an apprenticeship, enrolled in postsecondary education, or serving in the military. The provider shall report the data collected to the department in the manner determined by the department.

(H) The department shall adopt rules as necessary to administer this section. The rules may include all of the following:

(1) Standards for competency-based educational programs;

(2) Standards for applying an individual's work or life experiences toward the requirements of division (C) of this section;

(3) Requirements for determining the amount paid to providers under division (D) of this section;

(4) Guidelines for approving or denying a hardship request made under division (E) of this section.

Sec. 3314.013. (A) Until May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until May 22, 2013.

(B)(1) Beginning on July 1, 2013, up to five new internet- or computer-based community schools may open each year, subject to approval of the director of education and workforce under division (B)(2) of this section.

(2) The director shall approve applications for new internet- or computer-based community schools from only those applicants demonstrating experience and quality.

The department of education and workforce shall adopt

rules prescribing measures to determine experience and quality of applicants in accordance with Chapter 119. of the Revised Code. The measures shall include, but not be limited to, the following considerations:

(a) The sponsor's experience with online schools;

(b) The operator's experience with online schools;

(c) The sponsor's and operator's previous record for student performance;

(d) A preference for operators with previous experience in Ohio.

(3) The department shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the director has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013. Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A)(25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.

(4) Notwithstanding divisions (B)(1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based

community schools that ~~will primarily serve students enrolled in a~~ are dropout prevention and recovery ~~program~~ community schools each year, not to exceed six new schools in a five-year period.

(C) Nothing in division (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.

Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets all of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education and workforce.

(2) The entity is not rated as "ineffective" under division (B)(6) of this section.

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department pursuant to section 3314.015 of the Revised Code.

(B)(1) The department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school. The department, not later than the first day of February of each year, shall post on the department's web site the framework for the evaluation system, including technical documentation that the department intends to use to rate sponsors for the next school year. The department shall solicit public comment on the evaluation system for thirty consecutive days. Not later than the first day of April of each year, the department shall compile and post on the department's web site all public comments that were received during the public comment period. The evaluation system shall be posted on the department's web site by the fifteenth day of July of each school year. Any changes to the evaluation system after that date shall take effect the following year. The evaluation system shall be based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

Under the evaluation system prescribed under division (B)(1) of this section, the department shall not assign an overall rating of "ineffective" or lower to an entity that sponsors a community school solely because that entity received no points on one of the components prescribed under that division.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (B)(2) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (B)(2) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices

shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) The director of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.

(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally. A separate rating shall be given by the department for each component of the evaluation system.

The department shall publish the ratings between the first day of October and the fifteenth day of November.

Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by division (B)(1) of this section. If the sponsor believes there is an error in the department's evaluation, the sponsor may request adjustments to the rating of any of those components based on documentation previously submitted as part of an evaluation. The sponsor shall provide to the department any necessary evidence or information to support the requested adjustments. The department shall review the evidence and information, determine whether an adjustment is valid, and promptly notify the sponsor of its determination and reasons. If any adjustments to the data could result in a change to the rating on the applicable component or to the overall rating, the department shall recalculate the ratings prior to publication.

The department shall provide training on an annual basis regarding the evaluation system prescribed under this section. The training shall, at a minimum, describe methodology, timelines, and data required for the evaluation system. The first training session shall occur not later than March 2, 2016. Beginning in 2018, the training shall be made available to each entity that sponsors a community school by the fifteenth day of July of each year and shall include guidance on any changes made to the evaluation system.

(7)(a) Entities with an overall rating of "exemplary" for the two most recent years in which the entity was evaluated may take advantage of the following incentives:

(i) Renewal of the written agreement with the department,

not to exceed ten years, provided that the entity consents to continued evaluation of adherence to quality practices as described in division (B)(1)(b) of this section;

(ii) The ability to extend the term of the contract between the sponsoring entity and the community school beyond the term described in the written agreement with the department;

(iii) An exemption from the preliminary agreement and contract adoption and execution deadline requirements prescribed in division (D) of section 3314.02 of the Revised Code;

(iv) An exemption from the automatic contract expiration requirement, should a new community school fail to open by the thirtieth day of September of the calendar year in which the community school contract is executed;

(v) No limit on the number of community schools the entity may sponsor;

(vi) No territorial restrictions on sponsorship.

An entity may continue to sponsor any community schools with which it entered into agreements under division (B)(7)(a)(v) or (vi) of this section while rated "exemplary," notwithstanding the fact that the entity later receives a lower overall rating.

(b) Entities with an overall rating of "exemplary" or "effective" for the three most recent years in which the entity was evaluated shall be evaluated by the department once every three years.

(c)(i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the

sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(8) For the 2014-2015 school year and each school year

thereafter, student academic performance prescribed under division (B)(1)(a) of this section shall include student academic performance data from dropout prevention and recovery community schools ~~that primarily serve students enrolled in a dropout prevention and recovery program~~.

(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(c) or (d) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

(E) The department shall recalculate the rating for the 2017-2018 school year for each sponsor of a community school that receives recalculated ratings pursuant to division (I) of section 3314.017 of the Revised Code.

Sec. 3314.017. (A) The department of education and workforce shall prescribe by rules, adopted in accordance with Chapter 119. of the Revised Code, an academic performance rating and report card system that satisfies the requirements of this section for dropout prevention and recovery community schools ~~that primarily serve students enrolled in dropout prevention and recovery programs as described in division (B)(1) of section 3314.35 of the Revised Code~~, to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the department.

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the

act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the department shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the

Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;

(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;

(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the department.

(D)(1) The department's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (G) of this section and simulations created by the department. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:

(a) Exceeds standards;

(b) Meets standards;

(c) Does not meet standards.

(2) The department's rules shall establish all of the following:

(a) Performance levels and benchmarks for the indicators described in divisions (C)(1) to (3) of this section;

(b) Both of the following:

(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;

(ii) Standards for awarding a dropout prevention and recovery community school ~~described in division (B)(1) of section 3314.35 of the Revised Code~~ an overall designation, which shall be calculated as follows:

(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."

The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.

~~(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (B)(1) of section 3314.35 of the Revised Code:~~

~~(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section;~~

~~(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;~~

~~(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;~~

~~(d) Annual measurable objectives described in division (C)(3) of this section.~~

~~(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (B)(1) of section 3314.35 of the Revised Code:~~

~~(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;~~

~~(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;~~

~~(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;~~

~~(d) Both of the following without an assigned rating:~~

~~(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;~~

~~(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.~~

~~(3) Beginning with the 2014-2015 school year, and annually thereafter, the~~ (E) The department annually shall issue a report card for each dropout prevention and recovery community school ~~described in division (B)(1) of section 3314.35 of the Revised Code~~ that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:

~~(a)~~ (1) The graduation rates as described in division (C)(1) of this section;

~~(b)~~ (2) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;

~~(c)~~ (3) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;

~~(d)~~ (4) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;

~~(c)~~ (5) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section.

The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.

(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division ~~(E)(3)~~ (E) of this section for each community school to which this section applies.

(G) For the purposes of prescribing performance levels and benchmarks under division (D) of this section, the department shall gather and analyze data from prior school years for each dropout prevention and recovery community school ~~described in division (B)(1) of section 3314.35 of the Revised Code~~. Each such school shall cooperate with the department. The department shall consult with stakeholder groups in performing its duties under this division.

(H) The department shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E)(3) of this section

for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after July 18, 2019.

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C)(1) of this section, which has been approved by the department of education and workforce to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section;

(iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D)(3)(c) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve

thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" or "management company" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(10) "Dropout prevention and recovery community school" means a community school that enrolls only students who are at least fourteen years of age and not older than twenty-one years of age and who, at the time of their initial enrollment, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional educational programs.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing

board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(4) The sponsor of a conversion community school proposed to open in an alliance municipal school district shall be subject to approval by the department of education and workforce for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

Division (B)(4) of this section does not apply to a sponsor that, on or before September 29, 2015, was exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code.

(5) A school established in accordance with division (B) of this section that later enters into a sponsorship contract with an entity that is not a school district or educational service center shall, at the time of entering into the new contract, be deemed a community school established in accordance with division (C) of this section.

(C)(1) Provided all other conditions of sponsorship and governance are satisfied, any person or group of individuals may propose under this division the establishment of a new start-up school regardless of the school's proposed location. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school if all of the following are satisfied:

(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code;

(ii) It is approved to do so by the department;

(iii) It enters into an agreement with the department

under section 3314.015 of the Revised Code.

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the chancellor of higher education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B)(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that

district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres

to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district described in either division (A)(3)(b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the director of education and workforce.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education and workforce when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as

the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually verify that a finding for recovery has not been issued by the auditor of state against any individual or individuals who propose to create a community school or any member of the governing authority, the operator, or any employee of each

community school with responsibility for fiscal operations or authorization to expend money on behalf of the school.

(3) No person shall serve on the governing authorities of more than five start-up community schools at the same time unless both of the following apply:

(a) The person serves in a volunteer capacity and receives no compensation under division (E)(5) of this section from any governing authority on which the person serves.

(b) For any school that has an operator, the operator is a nonprofit organization.

(4)(a) For a community school established under this chapter that is not sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall be an owner, employee, or consultant of the community school's sponsor or operator, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(b) For a community school established under this chapter that is sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall:

(i) Be an officer of the district board or service center governing board that serves as the community school's sponsor, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority;

(ii) Serve as an employee of, or a consultant for, the department, division, or section of the sponsoring district or service center that is directly responsible for sponsoring

community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;

(c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that was not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.

(4) The department of education and workforce shall not restrict the establishment of a new start-up community school to those located in a challenged school district as was required by

this section prior to September 30, 2021.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the

operator, if any.

(10) Qualifications of employees, including both of the following:

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;

(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012,

3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611

of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery

and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the department of children and youth under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (B)(2) of section 3314.35 of the Revised Code.

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be

responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside

the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance

with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning

model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to

adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing

authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(4) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(5) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or

closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.034. (A) Subject to division (B) of this section, and except as described in division (E) of this section, any community school to which either of the following conditions apply shall be prohibited from entering into a contract with a new sponsor:

(1) The community school has received, on the most recent report card issued for that school under section 3302.03 of the Revised Code, either of the following:

(a) A grade of "D" or "F" for the performance index score, under division (C)(1)(b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the department of education and workforce, under division (C)(1)(e) of that section;

(b) A performance rating of less than three stars for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and a performance rating of less than three stars for progress under division (D)(3)(c) of that section.

(2) The community school is ~~one in which a majority of the students are enrolled in~~ a dropout prevention and recovery ~~program~~ community school, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

(3) The community school has not submitted a prior request that was granted.

(4) The department grants the school's request pursuant to division (C) of this section.

(C)(1) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. If a community school to which division (A)(1) of this section applies submits a request to the department to enter into a contract with a new sponsor and a majority of the school's students are children with disabilities receiving special education and related services under Chapter 3323. of the Revised Code, the department shall at least consider the school's performance as measured against the average performance of all other community schools that primarily serve children with disabilities.

(2) The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the director of education and workforce who shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the director not later than ten days after receiving the decision from the department. The director shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors.

(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:

(1) The school's impact on the students and the community

or communities it serves;

(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;

(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available.

(E) Notwithstanding anything to the contrary in this section, if a community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code meets both of the following

criteria, the school may enter into a contract with a new sponsor, provided that the new sponsor satisfies the criteria in division (B)(1) of this section:

(1) The school received, on its most recent report card issued under section 3302.03 of the Revised Code, a performance rating of at least three stars for progress under division (D)(3)(c) of that section.

(2) As calculated for the most recent school year under section 3302.035 of the Revised Code, the school's performance index score for students with disabilities was higher than the performance index score for students with disabilities of the school district in which the school is located.

Sec. 3314.0311. (A) Each community school that serves students in grades six through twelve shall include in its curriculum annual developmentally appropriate, evidence-based instruction in mental health promotion and suicide prevention. Such instruction shall include information on the development and maintenance of positive mental health, stigma reduction, the signs and symptoms of depression, suicide, and self-harm, and seeking help for self and peers.

(B) For the instruction required under division (A) of this section, each community school shall select an evidence-based program approved by the department of education and workforce under section 3301.221 of the Revised Code. Prior to providing the instruction, the school shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from

receiving the instruction.

Sec. 3314.0312. (A) Each community school annually shall provide an evidence-based universal prevention program or practice in grades kindergarten through twelve that teaches students the necessary knowledge and skills to enhance health and wellness outcomes. Such instruction must focus on enhancing interpersonal skills, encouraging healthy decision-making, and increasing resiliency.

(B) For the instruction required under division (A) of this section, the community school shall select an evidence-based program or practice approved by the department of education and workforce under section 3301.221 of the Revised Code. Prior to providing the instruction, the school shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from receiving the instruction.

Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract.

(B) Division (B) of this section shall not apply to internet- or computer-based community schools.

(1) A community school may be located in multiple facilities under the same contract only if the limitations on

availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B)(2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility.

(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The ~~school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:~~

~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;~~

~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(c) or (B)(1)(c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)~~

~~(1)(b) of section 3302.03 of the Revised Code;~~

~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C)(3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code;~~

~~(iv) For the 2021-2022 school year and any school year thereafter,~~ school does not receive an overall performance rating of fewer than three stars under division (D)(3) of section 3302.03 of the Revised Code or an overall performance designation of less than "meets standards" under division ~~(E)(3)(c)~~ (E)(5) of section 3314.017 of the Revised Code for two or more consecutive years.

(3) On and after September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:

(a) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county or in any county adjacent to the county in which the community school's primary facility is located.

(b) Either of the following conditions are satisfied:

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located;

(ii) The community school is managed by an operator.

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms

and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

(F)(1) In the case of a community school that exists prior to September 30, 2021, to which division (B)(3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F)(2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing

authority pursuant to the requirements of this section as it existed prior to September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.

(2)(a) On and after September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education and workforce of that designation.

(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F)(1) of this section or otherwise, shall notify the department of that modification.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled

in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;

(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(6) The number of students reported under divisions (B)(1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;

(7) The number of students reported under divisions (B)(1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically

excluded from the number reported under division (B)(7) of this section based on anything other than family income.

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(9) The number of students enrolled in a preschool program operated by the school that is licensed under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs.

(b) The community school shall report under division (C)(1)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(2) In any fiscal year, a community school receiving funds under division (A)(7) of section 3317.022 of the Revised Code shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (A)(7) of section 3317.022 of the Revised Code may be spent.

(3) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C)(5) of this section, all funds received under division (A)(7) of section 3317.022 of the Revised Code shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and

agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(4) A community school shall spend the funds it receives under division (A)(4) of section 3317.022 of the Revised Code in accordance with section 3317.25 of the Revised Code.

(5) The department may waive the requirement in division (C)(3) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(6) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a community school shall spend the funds it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) The state is not liable for debt incurred by the governing authority of a community school.

(H) The department shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The department shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has

commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (H)(2) of this section. The

department shall continue paying amounts for the student under section 3317.022 of the Revised Code without interruption at the start of the subsequent school year. However, if the student without a legitimate excuse fails to participate in the first seventy-two consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school

building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education and workforce shall reduce the amounts paid under section 3317.022 of the Revised Code to reflect payments made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the department of education and workforce, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable

under section 3317.022 of the Revised Code to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The director and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The director, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a

finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the director.

(b) The director shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) Any decision made by the director under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the director.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the director grants the student a waiver from the requirement to take the assessment and a parent is not

paying tuition for the student pursuant to section 3314.26 of the Revised Code. The director may grant a waiver only for good cause in accordance with rules adopted by the department.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not pay to a community school under section 3317.022 of the Revised Code any amount for that veteran.

Sec. 3314.261. This section shall not apply to an internet- or computer-based community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~ that is a dropout prevention and recovery community school.

(A) For purposes of this section, "instructional activities" means the following classroom-based or nonclassroom-based activities that a student is expected to complete, participate in, or attend during any given school day:

(1) Online logins to curriculum or programs;

(2) Offline activities;

(3) Completed assignments within a particular program, curriculum, or class;

(4) Testing;

(5) Face-to-face communications or meetings with school staff or service providers;

(6) Telephone or video conferences with school staff or service providers;

(7) Other documented communication with school staff or service providers related to school curriculum or programs.

(B)(1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:

(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;

(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B)(1)(b) of this section.

(2) If a student is not considered in attendance under division (B)(1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate.

(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian.

(C) Notwithstanding section 3321.191 of the Revised Code, each internet- or computer-based community school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

(1) After the student's parent, guardian, or custodian receives a written report under division (B)(2) of this section, the student fails to comply with the policy adopted under division (C) of this section within a reasonable period of time specified by the school;

(2) Other intervention strategies contained in the policy adopted under division (C) of this section fail to cause a student's attendance to comply with the policy.

(D) If an internet- or computer-based community school disenrolled a student pursuant to a policy adopted under division (C) of this section, the student shall not be eligible to re-enroll in that school for the remainder of the school year in which the student is disenrolled. This division does not prohibit a disenrolled student from enrolling in another internet- or computer-based community school.

(E) If an internet- or computer-based community school disenrolls a student pursuant to a policy adopted under division (C) of this section, the school shall do both of the following:

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's

disenrollment, notify the student's resident school district in writing.

(F) Nothing in this section shall be construed to affect the procedure for automatically withdrawing a student from school that must be adopted as part of a school's attendance policy in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code.

Sec. 3314.29. (A) This section applies to any internet- or computer-based community school that meets all of the following conditions:

(1) Serves all of grades kindergarten through twelve;

(2) Has an enrollment of at least two thousand students;

(3) Has a sponsor that was not rated ineffective or poor on its most recent evaluation under section 3314.016 of the Revised Code.

(B) Beginning with the 2018-2019 school year, the governing authority of a community school to which this section applies may adopt a resolution to divide the school into two or three separate schools as follows:

(1) If the school is divided into two schools, one school shall serve grades kindergarten through eight and one school shall serve grades nine through twelve.

(2) If the school is divided into three schools, one school shall serve grades kindergarten through five, one school shall serve grades six through eight, and one school shall serve grades nine through twelve.

(C) The resolution adopted by the governing authority shall not be effective unless approved by the school's sponsor.

Following approval of the resolution by the sponsor, and by the fifteenth day of March prior to the school year in which it will take effect, the governing authority shall file the resolution with the department of education and workforce. The division of the schools shall be effective on the first day of July succeeding the date the resolution is filed with the department.

(D) All of the following shall apply to each new school created as a result of the resolution authorized by this section and to the school that is divided as a result of the resolution:

(1) Each school shall have the same governing authority.

(2) The sponsor and governing authority shall enter into a separate contract under section 3314.03 of the Revised Code for each school.

(3) No school shall ~~primarily serve students enrolled in~~ be a dropout prevention and recovery ~~program operated by the school~~ community school.

(4) No school shall be permitted to divide again under this section.

(5) Notwithstanding anything to the contrary in division (B)(2) of section 3314.016 of the Revised Code, each school shall be included in the calculation of the academic performance component for purposes of rating the schools' sponsor under the evaluation system prescribed by that section.

(6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified in this section.

(E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a

result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division.

Notwithstanding division (A) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

Sec. 3314.35. (A) Except as provided in division (B) of this section and section 3314.355 of the Revised Code, this section applies to any community school that meets one of the following criteria:

(1) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code;

(b) The school has received an overall performance rating of less than two stars under division (D)(3) of section 3302.03 of the Revised Code.

(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for the

three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for both achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section;

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D)(3)(c) of that section.

(3) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of "one star" for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D)(3)(a) of that section, as determined by the department of education and workforce;

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D)(1)(b) of that section.

For purposes of division (A) of this section only, the department shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-

added data from only the most recent school year.

(B) This section does not apply to either of the following:

(1) Any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school~~. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(2) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(C) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration

for any of the reasons set forth in section 3314.07 of the Revised Code.

Sec. 3314.351. (A) This section applies to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~. Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(E) Nothing in this section or in any other provision of

the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the report card issued for that school for the 2017-2018 or 2018-2019 school year if the school received an overall rating of "meets standards" or "exceeds standards" for the 2017-2018 or 2018-2019 school year pursuant to division (I) of section 3314.017 of the Revised Code. However, no school permanently closed under this section prior to the 2019-2020 school year shall be eligible to reopen based on the calculated or recalculated ratings under division (I) of section 3314.017 of the Revised Code.

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does not apply to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and~~ that has been granted a waiver by the former department of education prior to July 1, 2014.

(B) All dropout prevention and recovery community schools ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~ are subject to the provisions of section 3314.351 of the Revised Code, regardless of whether a waiver has been granted under this section prior to July 1, 2014. Thereafter, no waivers shall be granted under this section.

Sec. 3314.361. ~~Notwithstanding anything to the contrary in~~

~~this chapter, a~~ A community school that operates a drug recovery program in cooperation with a court shall be considered a dropout prevention and recovery ~~program~~ community school for purposes of this chapter~~, regardless of the ages of students or grade levels served by the school~~ and shall comply with all enrollment restrictions applicable to such a school.

Sec. 3314.362. Notwithstanding division (A)(10) of section 3314.02 of the Revised Code, a community school that primarily serves students enrolled in a dropout prevention and recovery program may continue to operate in the 2025-2026 and 2026-2027 school years without complying with that division and shall be considered a dropout prevention and recovery community school for the purposes of Title XXXIII of the Revised Code for those school years.

Notwithstanding anything in the Revised Code to the contrary, beginning July 1, 2027, any community school that primarily serves students enrolled in a dropout prevention and recovery program is a dropout prevention and recovery community school, as defined in division (A)(10) of section 3314.02 of the Revised Code. Prior to that date, the school, upon approval of the school's sponsor, shall do one or both of the following with any grades that do not comply with division (A)(10) of section 3314.02 of the Revised Code:

(A) Transfer those grades to a separate community school. The department of education and workforce shall assign the separate community school its own internal retrieval number.

(B) Cease offering those grades.

The school shall assist students who are not eligible to enroll in the dropout prevention and recovery community school

to transfer to a separate community school or enroll in a different school, as applicable.

Sec. 3314.38. (A) As used in this section:

(1) "Competency-based educational program" and "eligible individual" have the same meanings as in section 3313.902 of the Revised Code.

(2) "Eligible provider" means a community school that operates a dropout prevention and recovery program.

(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of section 3313.902 of the Revised Code to earn a diploma and attain the individual's career goals. Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program who satisfies one of the conditions specified in division (C) of section 3313.902 of the Revised Code.

(C) An eligible provider shall report each individual enrolled in a program under division (B) of this section to the department. This report shall be in addition to the report required under division (B) of section 3314.08 of the Revised Code. The department annually shall certify the enrollment and

attendance of each individual reported under this division and shall pay the provider up to $7,500 per school year, as determined by the department based on the extent of the individual's successful completion of the diploma requirements prescribed in division (C) of section 3313.902 of the Revised Code.

(D) An eligible provider that enrolls individuals under division (B) of this section is subject to the requirements of section 3313.902 of the Revised Code, as applicable.

Sec. 3314.381. (A) ~~As used in this section, "dropout recovery community school" has the same meaning as in section 3319.301 of the Revised Code.~~

~~(B)~~ The department of education and workforce shall establish the dropout prevention and recovery advisory council. The council shall provide a forum for communication and collaboration between the department and parties involved in the establishment and operation of dropout prevention and recovery community schools, including sponsors and operators.

~~(C)~~ (B) The advisory council shall consist of the following members appointed by the director of education and workforce:

(1) Two members of the state board of education;

(2) One employee of the department who works directly with dropout prevention and recovery community schools, including any employee who works as a liaison with such schools;

(3) Seven individuals with experience in dropout prevention and recovery community schools, their operators, and their sponsors. In appointing these individuals, the director shall ensure they represent a diverse array of schools in terms of enrollment, programs, learning models, and methods of

instruction.

~~(D)~~ (C) The advisory council shall, in collaboration with the director, review all existing rules and guidance previously developed or adopted by the department pursuant to division ~~(D)~~ (C) of section 3314.382 of the Revised Code.

Sec. 3314.382. (A) ~~As used in this section, "dropout recovery community school" has the same meaning as in section 3319.301 of the Revised Code.~~

~~(B)~~ Notwithstanding anything to the contrary in the Revised Code, the department of education and workforce shall only adopt rules in accordance with Chapter 119. of the Revised Code for any requirement to be imposed on a dropout prevention and recovery community school. The department shall not develop guidelines that impose requirements on the general and uniform operation of a dropout prevention and recovery community school.

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code, prior to adoption, the dropout prevention and recovery advisory council established under section 3314.381 of the Revised Code shall review any proposed rule described in division ~~(B)~~ (A) of this section.

~~(D)~~ (C) Any guidance document previously developed by the department that establishes general and uniform operations regarding a dropout recovery community school in effect on ~~the effective date of this section~~ October 3, 2023, is void after that date.

Sec. 3317.01. As used in this section, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the department of education and workforce. The department of education and workforce shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. Certification of moneys pursuant to this section shall include the amounts payable to each school building, at a frequency determined by the department, for each subgroup of students, as defined in section 3317.40 of the Revised Code, receiving services, provided for by state funding, from the district or school. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The department shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Moneys distributed to school districts pursuant to this chapter shall be calculated based on the annual enrollment calculated from the three reports required under ~~sections~~ section 3317.03 ~~and 3317.036~~ of the Revised Code and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. In any given fiscal year, prior to school districts submitting the first report required under section 3317.03 of the Revised Code, enrollment for the districts shall be calculated based on the third report submitted by the districts for the previous fiscal year. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. The department, in June of each year, shall submit to the controlling board the department's year-end distributions pursuant to this chapter.

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (C) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 of the Revised Code, with regard to the minimum number of hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers.

A school district shall not be considered to have failed to comply with this division because schools were open for instruction but either twelfth grade students were excused from attendance for up to the equivalent of three school days or only a portion of the kindergarten students were in attendance for up to the equivalent of three school days in order to allow for the gradual orientation to school of such students.

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the

distribution of funds authorized by this chapter, except for good and sufficient reason established to the satisfaction of the department and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.011. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than $20,000 but less than $65,000, using fiscal year 2022 data, as determined by the department of education and workforce.

(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than $20,000 but less than $80,000, using fiscal year 2022 data, as determined by the department.

(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than $15,000 but less than $50,000, using fiscal year 2022 data, as determined by the department.

(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but

less than $95,000, using fiscal year 2022 data, as determined by the department.

(5) "Average education management information system support employee salary" means the average salary of accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $90,000, using fiscal year 2022 data, as determined by the department.

(6) "Average librarian and media staff salary" means the average salary of librarians and media staff employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $95,000, using fiscal year 2022 data, as determined by the department.

(7) "Average other district administrator salary" means the average salary of all assistant superintendents and directors employed by city, local, and exempted village school districts in this state with salaries greater than $50,000 but less than $135,000, using fiscal year 2022 data, as determined by the department.

(8) "Average principal salary" means the average salary of all principals employed by city, local, and exempted village school districts in this state with salaries greater than $50,000 but less than $120,000, using fiscal year 2022 data, as determined by the department.

(9) "Average superintendent salary" means the average salary of all superintendents employed by city, local, and exempted village school districts in this state with salaries greater than $60,000 but less than $180,000, using fiscal year 2022 data, as determined by the department.

(10) "Average teacher cost" for a fiscal year is equal to the sum of the following:

(a) The average salary of teachers employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $95,000, using fiscal year 2022 data, as determined by the department;

(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A)(10)(a) of this section;

(c) An amount for district-paid insurance costs equal to the following product:

The statewide weighted average employer-paid monthly premium based on data reported by city, local, and exempted village school districts to the state employment relations board for the health insurance survey conducted in accordance with divisions (K)(5) and (6) of section 4117.02 of the Revised Code using fiscal year 2022 data X 12

(11) "Eligible school district" means a city, local, or exempted village school district that satisfies one of the following:

(a) The district is a member of an organization that regulates interscholastic athletics.

(b) The district has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2022 for all of the following:

(1) The average salaries determined under divisions (A)

(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this section;

(2) The amount for teacher benefits determined under division (A)(10)(b) of this section;

(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;

(4) The spending determined under divisions (E)(4)(a), (E)(5)(a), (E)(6)(a), and (H)(1) of this section and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), (E)(6)(b), and (H)(2) of this section;

(5) The information determined under division (G)(3) of this section.

(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:

(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)

(D) The department shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B)(11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18;

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of $90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of this section for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X

[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;

(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E)(4)(a) of this section;

(c) Compute the academic co-curricular activities cost in accordance with the following formula:

(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed

(5) Calculate the district's building safety and security cost for that fiscal year as follows:

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;

(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E)(5)(a) of this section using fiscal year 2022 data;

(c) Compute the building safety and security cost in accordance with the following formula:

(The amount determined under division (E)(5)(a) of this section / the sum determined under division (E)(5)(a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:

(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;

(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E)(6)(a) of this section;

(c) Compute the supplies and academic content cost in accordance with the following formula:

(The amount determined under division (E)(6)(a) of this section / the sum determined under division (E)(6)(b) of this section) X

the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [($160,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[($160,000 X 1.16) - ($80,000 X 1.16)]/3500};

(ii) ($80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than

500, then the district's superintendent cost shall be equal to [($80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [($130,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[($130,000 X 1.16) - ($60,000 X 1.16)]/3500};

(ii) ($60,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [($60,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of this section for that fiscal year) X the quotient obtained under division (F)(3)(a) of this section] + the amount specified under division (A)(10)(c) of this section} X (the greater of the quotient obtained under division (F)(3)(b) of this section and 2)

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section.

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of this section for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of this section for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;

(b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of

this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Determine both of the following:

(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this section X the number determined under division (G)(3)(a)(ii) of

this section) - (the amount determined under division (E)(5)(a) of this section for that fiscal year/ the sum determined under division (E)(5)(b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:

(The amount determined under division (H)(1) of this section / the sum determined under division (H)(2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed

Sec. 3317.012. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average

principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2022 for all of the following:

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), and (H)(1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), and (H)(2) of that section;

(5) The information determined under division (G)(3) of section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed under division (D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section + the district's building leadership and operations base cost for that fiscal year

computed under division (G) of this section

(D) The department of education and workforce shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (D)(2)(h), (i), (j), (k), and (l) of section 3317.03 of the Revised Code, and divide that number by 18;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(d) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of $90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

The quotient obtained under division (E)(3)(a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:

[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the Revised Code) + (the amount determined under division (H)(1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H)(2) of section 3317.011 of the

Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(6)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(6)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [($160,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[($160,000 X 1.16) - ($80,000 X 1.16)]/3500};

(ii) ($80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [($80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [($130,000 X 1.16) + the amount specified

under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[($130,000 X 1.16) - ($60,000 X 1.16)]/3500};

(ii) ($60,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [($60,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the

Revised Code for that fiscal year) X the quotient obtained under division (F)(3)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code} X (the greater of the quotient obtained under division (F)(3)(b) of this section and 2)

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a)

of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as

follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;

(b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)

(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of section 3317.011 of the Revised Code X the number determined under division (G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following

categories of career-technical education programs approved by the department of education and workforce under section 3317.161 of the Revised Code shall be as follows:

(1) A multiple of 0.6230 for students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(2) A multiple of 0.5905 for students enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

(4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training, marketing, workforce development academics, public administration, and career development, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(5) A multiple of 0.1570 for students enrolled in family and consumer science programs, which shall be defined by the

department in consultation with the governor's office of workforce transformation.

(B) The multiple for career-technical education associated services, as defined by the department, shall be 0.0294.

(C) The department shall calculate career-technical education funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the sum of the following:

(a) The funding unit's category one career-technical education ADM X the multiple specified in division (A)(1) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(b) The funding unit's category two career-technical education ADM X the multiple specified in division (A)(2) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(c) The funding unit's category three career-technical education ADM X the multiple specified in division (A)(3) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(d) The funding unit's category four career-technical

education ADM X the multiple specified in division (A)(4) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(e) The funding unit's category five career-technical education ADM X the multiple specified in division (A)(5) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the sum of the following:

(a) An amount calculated in a manner determined by the general assembly times the funding unit's category one career-technical education ADM;

(b) An amount calculated in a manner determined by the general assembly times the funding unit's category two career-technical education ADM;

(c) An amount calculated in a manner determined by the general assembly times the funding unit's category three career-technical education ADM;

(d) An amount calculated in a manner determined by the general assembly times the funding unit's category four career-technical education ADM;

(e) An amount calculated in a manner determined by the general assembly times the funding unit's category five career-technical education ADM.

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code.

(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the following product:

(If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage) X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning

district as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X ~~$7.50, for fiscal year 2024, or~~ $10~~, for fiscal year 2025~~

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance with division (H) of this section.

(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding calculated under division (C) of this section may be spent.

(2) All funds received under division (C) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be

spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(G) In any fiscal year, a school district receiving funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include ~~such~~ all of the following purposes ~~as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department.~~:

(1) Engaging and collaborating with education and workforce stakeholders in the service area;

(2) Developing and maintaining a comprehensive plan to increase career-focused education activities;

(3) Ensuring that plans are informed by quality data and using data to expand access to career-focused activities for all students;

(4) Planning and allocating resources for the growth,

sustainability, and enhancement of career-focused activities in the long term;

(5) Establishing continuous improvement and program approval processes.

The department may deny payment of funds calculated under division (D) of this section to any district that the department determines is not operating those services or is using funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, shall utilize those funds to deliver relevant career awareness and exploration programs to all students within its career technical planning district in a manner that is consistent with the career-technical planning district's plan that is on file with the department. The lead district that receives funds under this division shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level;

(6) Provision of mentorship opportunities through which students may learn about careers and workforce skills.

The lead district that receives funds under division (E) of this section shall report on the use of those funds to the department in a manner prescribed by the department.

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

Sec. 3317.016. As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

The multiples for English learners shall be as follows:

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.

(B) A multiple of 0.1577 for each student who, for fiscal years ~~2024~~ 2026 and ~~2025~~ 2027 has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C)(3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2026~~ 2028 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2024~~ 2026 and ~~2025~~2027, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C)(3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2026~~ 2028 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A)(1)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years

for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The total federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Divide the amount determined under division (A)(2)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine both of the following:

(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;

(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(4) Calculate the district's per-pupil local capacity percentage as follows:

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A)(4)

(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section – 1)} + 0.0225

(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225.

(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows:

(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.60) + (the district's local share federal adjusted gross income per pupil calculated under division (A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.90, then the district's

state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.10 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.90, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year).

If the result is less than 0.10, the state share percentage shall be 0.10.

Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal ~~year~~ years 2025, 2026, and 2027, the

statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year 2024, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal ~~year~~ years 2025, 2026, and 2027, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

Sec. 3317.019. (A)(1) Subject to division (C) of this section, for fiscal years ~~2024~~ 2026 and ~~2025~~2027, the department of education and workforce shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) – (the district's payment under section 3317.022 of the Revised Code - the district's payment for supplemental targeted assistance under section 3317.0218 of the Revised Code for the fiscal year for which each payment is computed)

If the computation made under division (A)(1) of this section results in a negative number, the district's funding

under division (A)(1) of this section shall be zero.

(2) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the department shall pay temporary transitional transportation aid to that district according to the following formula:

[{(The amount calculated for the district for fiscal year 2020 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) - (the district's payment for fiscal year 2019 under division (D)(2) of section 3314.091 of the Revised Code as that division existed prior to September 30, 2021)} X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027] - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(2) of this section results in a negative number, the district's funding under division (A)(2) of this section shall be zero.

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024~~ 2026 or fiscal year ~~2025~~2027, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C)(1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, if a district has fewer students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

Sec. 3317.0110. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community or STEM school that satisfies one of the following:

(a) The school is a member of an organization that regulates interscholastic athletics.

(b) The school has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a community or STEM school's aggregate base cost under this section, the department shall use data from fiscal year 2022 for the average teacher cost.

(C) A community or STEM school's aggregate base cost for a fiscal year shall be equal to the following sum:

(The school's teacher base cost for that fiscal year computed under division (D) of this section) + (the school's student support base cost for that fiscal year computed under division (E) of this section) + (the school's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the school's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the school's athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the school is an eligible community or STEM school)

(D) The department of education shall compute a community or STEM school's teacher base cost for a fiscal year as follows:

(1) Calculate the school's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in

kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(4) of section 3314.08 of the Revised Code, and divide that number by 18;

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.

(2) Calculate the school's special teacher cost for that fiscal year as follows:

(a) Divide the number of students enrolled in the school for that fiscal year by 150;

(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.

(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of $90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X [(the sum of the student support base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (E) of section

3317.011 of the Revised Code) / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year]

(F) The department shall compute a community or STEM school's leadership and accountability base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X (the sum of the leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (F) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)

(G) The department shall compute a community or STEM school's building leadership and operations base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X (the sum of the building leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (G) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)

(H) If a community or STEM school is an eligible community or STEM school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal

year X (the amount determined under division (H)(1) of section 3317.011 of the Revised Code / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)

Sec. 3317.02. As used in this chapter:

(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.

(C) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:

(1) The district's enrolled ADM for the previous fiscal year;

(2) The average of the district's enrolled ADM for the previous three fiscal years.

(D)(1) "Base cost per pupil" means the following for a city, local, or exempted village school district:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) "Base cost per pupil" means the following for a joint vocational school district:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(E)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(2) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(3) "Category three career-technical education ADM" means

the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code

and division (D) of section 3326.32 of the Revised Code.

(F)(1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32

of the Revised Code.

(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code or, in the case

of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a

funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education and workforce, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation:

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(ii) For a joint vocational school district, the "statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(2) "Economically disadvantaged index for a community or STEM school" means the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I)(1)(a)(i) of this section.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code.

(K) "Enrolled ADM" means the following:

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows:

(a) Add the students described in division (A)(1)(b) of section 3317.03 of the Revised Code;

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact;

(e) Add twenty per cent of the number of students described in division (A)(1)(b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department by adding the students described in division (D)(1)(b) of section 3317.03 of the Revised Code;

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B)(1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;

(4) For the educational choice scholarship unit, the number of students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code as reported under division (A)(2)(g) of section 3317.03 of the Revised Code;

(5) For the pilot project scholarship unit, the number of students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code as reported under division (A)(2)(b) of section 3317.03 of the Revised Code;

(6) For the autism scholarship unit, the number of students for whom autism scholarships are awarded under section 3310.41 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code;

(7) For the Jon Peterson special needs scholarship unit, the number of students for whom Jon Peterson special needs scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code.

(L)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another

school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (C)(1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount calculated in division (N)(1)(a) of this section the sum of the following:

(i) The following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd

general assembly;

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "funding

base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;

(ii) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (D)(1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.

(P) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "funding base" for a community school means the following:

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30,

2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the

department.

(Q) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "funding base" for a STEM school means the following:

(1) For a science, technology, engineering, and mathematics school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(2) For a science, technology, engineering, and mathematics school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it

was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

(2) The community and STEM school unit;

(3) The educational choice scholarship unit;

(4) The pilot project scholarship unit;

(5) The autism scholarship unit;

(6) The Jon Peterson special needs scholarship unit.

(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing

for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(W)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the department as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the department to be a medically fragile child. A school district superintendent may petition the department for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department but the child's condition does not meet either of the conditions specified in division (W)(1)(a) or (b) of this section.

(X)(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(AA) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher

assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(EE)(1) "State share percentage" means the following for a city, local, or exempted village school district:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the state share percentage calculated under section 3317.017 of the Revised Code;

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) "State share percentage" means ~~the following~~ , for a joint vocational school district~~:~~

~~(a) For fiscal years 2024 and 2025, the percentage calculated in accordance with the following formula:~~

~~The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code~~

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly~~, the district's state share percentage calculated under section 3317.165 of the Revised Code.

(FF) "Statewide average base cost per pupil" means the following:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code;

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(GG) "Statewide average career-technical base cost per pupil" means the following:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the department and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic

school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and workforce and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The ~~total~~ median federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(6) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the number of state tax returns filed by the residents of the district for the

most recent year for which this information is available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and workforce and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (C)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

Sec. 3317.022. The department of education and workforce shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years ~~2024~~ 2026 and ~~2025~~2027, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(4) of

this section – the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N)(2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years ~~2024~~ 2026 and ~~2025~~2027, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal ~~years 2026~~ year 2028 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A)(1), (3), (4), (5), (7), (8), ~~and~~ (9), and (14) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A)(10) of this section.

For the pilot project scholarship unit, the amount calculated under division (A)(11) of this section.

For the autism scholarship unit, the amount calculated under division (A)(12) of this section.

For the Jon Peterson special needs scholarship unit, the amount calculated under division (A)(13) of this section.

(A) A funding unit's state core foundation funding components shall be the following:

(1)(a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the amount calculated under division (B) of section 3317.017 of the Revised Code;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the amount calculated under section 3317.0110 of the Revised Code;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount calculated under section 3317.0217 of the Revised Code;

(b) For fiscal year ~~2026~~ 2028 and each fiscal year

thereafter, an amount calculated in a manner determined by the general assembly.

(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the sum of the following:

(i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iii) The funding unit's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iv) The funding unit's category four special education ADM X the multiple specified in division (D) of section 3317.013

of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special

education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the following product:

$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, an amount equal to the following:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM

who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply $422 by the economically disadvantaged index of the school in which the student is enrolled;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(i)(I) of this section.

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section.

(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the sum of the following:

(i) The funding unit's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two English learner ADM X

the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

(6)(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, if the funding unit is a city, local, or exempted village school district, all of the following:

(i) Gifted identification funds calculated according to the following formula:

$24 X the district's enrolled ADM for grades kindergarten

through six X the district's state share percentage

(ii) Gifted referral funds calculated according to the following formula:

$2.50 X the district's enrolled ADM X the district's state share percentage

(iii) ~~Gifted professional development funds calculated according to the following formula:~~

~~(The greater of the number of gifted students enrolled in the district as certified under division (B)(22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) X the district's state share percentage X $21, for fiscal year 2024, or $28, for fiscal year 2025~~

~~(iv)~~ Gifted unit funding calculated under section 3317.051 of the Revised Code.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, all of the following:

(i) Gifted identification funds calculated in a manner determined by the general assembly;

(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iii) ~~Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;~~

~~(iv)~~ Gifted unit funding calculated in an amount determined by the general assembly.

(7) If the funding unit is a city, local, or exempted

village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount equal to the following:

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii)(I) If the student receives a scholarship under

section 3310.03 of the Revised Code, or received a scholarship for the first time under section 3310.032 of the Revised Code prior to ~~the effective date of this amendment~~ October 3, 2023, and the student's parent does not elect to receive a scholarship amount under division (A)(10)(a)(ii)(II) of this section, $5,500, if the student is in grades kindergarten through eight, or $7,500, if the student is in grades nine through twelve.

(II) If the student receives a scholarship for the first time under section 3310.032 of the Revised Code on and after ~~the effective date of this amendment~~ October 3, 2023, or if a student who received a scholarship for the first time under that section prior to that date and the student's parent elects to receive a scholarship amount under division (A)(10)(a)(ii)(II) of this section, an amount calculated in accordance with section 3310.08 of the Revised Code. The department shall provide an opportunity each fiscal year for a parent to elect to receive a scholarship amount under division (A)(10)(a)(ii)(II) of this section.

The amounts specified in division (A)(10)(a)(ii)(I) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(10)(a) of this section.

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The net tuition charges of the student's alternative

school;

(ii) $5,500, if the student is in grades kindergarten through eight, or $7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(11)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

For purposes of division (A)(11)(a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM,

determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) $32,445.

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) $7,190 plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, ~~$1,751, for fiscal year 2024, and~~ $2,395 ~~for fiscal year 2025~~;

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, ~~$4,442, for fiscal year 2024, and~~ $5,280 ~~for fiscal year 2025~~;

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, ~~$10,673, for fiscal year 2024, and~~

$11,960~~ for fiscal year 2025~~;

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, ~~$14,243, for fiscal year 2024, and~~ $15,787~~ for fiscal year 2025~~;

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, ~~$19,290, for fiscal year 2024, and~~ $21,197~~ for fiscal year 2025~~;

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, ~~$28,438, for fiscal year 2024, and~~ $30,469~~ for fiscal year 2025~~.

(iii) ~~$30,000, for fiscal year 2024, and~~ $32,445~~ for fiscal year 2025~~.

The amount specified in division (A)(13)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

The amounts specified in divisions (A)(13)(a)(ii)(I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A)(3) of this section increase in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(13)(a) of this section.

(14) If the funding unit is the community and STEM school

unit, an equity supplement calculated as follows:

$650 X each student in the funding unit's enrolled ADM who is not enrolled in an internet- or computer-based community school.

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The base cost per pupil calculated for the district for that fiscal year X the total special education ADM) + (the district's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil)

The purposes approved by the department for special education expenses shall include, but shall not be limited to,

identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

(C) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division (A)(4) of this section in accordance with section 3317.25 of the Revised Code.

(D)(1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount determined by the general assembly under division (A)(1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year.

(b) If the student is a special education student:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section.

(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section.

(d) If the student is an English learner:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section.

(e) If the student is a career-technical education

student:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(f) If the student is a career-technical education student:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(g) If the school is not an internet- or computer-based community school, an equity supplement equal to $650 for each student enrolled in the school.

(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A)(9) of this section.

(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(10)(a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

For purposes of divisions (E) and (F) of this section, in the case of a student who is not living with the student's parent, the department shall distribute the scholarship payments to the student's guardian, legal custodian, kinship caregiver, foster caregiver, or caretaker. For the purposes of this division, "caretaker" has the same meaning as in section 3310.033 of the Revised Code, "kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and "foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(F) If a student is awarded a pilot project scholarship under sections 3313.974 to 3313.979 of the Revised Code, the department shall distribute to the parent of the student, if the student is attending a registered private school as defined in section 3313.974 of the Revised Code, or the student's school district of attendance, if the scholarship is to be used for payments to a public school in a school district adjacent to the pilot project school district pursuant to section 3327.06 of the Revised Code, a scholarship from the funds paid to the pilot project scholarship unit under this section that is equal to the

amount calculated for the student under division (A)(11)(a) of this section.

In the case of a scholarship distributed to a student's parent, the scholarship shall be distributed in monthly partial payments. The scholarship amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school, as that term is defined in section 3313.974 of the Revised Code, for the entire school year.

In the case of a scholarship distributed to a student's school district of attendance, the department shall, on behalf of the student's parents, use the scholarship to make the tuition payments required by section 3327.06 of the Revised Code to the student's school district of attendance, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed the scholarship amount calculated for the student under division (A)(11)(a) of this section.

(G) The department shall distribute to the parent of each student for whom an autism scholarship is awarded under section 3310.41 of the Revised Code, from the funds paid to the autism scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(12)(a) of this section. The scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced in the case of any student who is not enrolled in the special education program for which a scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of

the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(13)(a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a school district shall spend the funds it receives under division (A)(5) of this section only for services for English learners.

(J) For ~~fiscal year 2024 and~~ each fiscal year ~~thereafter~~, a school district shall spend the funds it receives under division (A)(6) of this section only for the identification of gifted students, gifted coordinator services, and gifted intervention specialist services~~, and gifted professional development~~. For ~~fiscal year 2024 and~~ each fiscal year ~~thereafter~~, if the department determines that a district is not in compliance with this division, it shall reduce the district's payments for that fiscal year under this chapter by an amount equal to the amount paid to the district for that fiscal year under division (A)(6) of this section that was not spent in accordance with this division. The department shall reduce the payment within ninety days of data finalization.

Sec. 3317.024. The following shall be distributed monthly,

quarterly, or annually as may be determined by the department of education and workforce:

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the department. However, for fiscal years 2012 and 2013, an island district shall receive the lesser of its actual cost of operation, as certified to the department, or ninety-three per cent of the amount the district received in state operating funding for fiscal year 2011. If an island district received no funding for fiscal year 2011, it shall receive no funding for either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's formula ADM, as that term is defined in section 3317.02 of the Revised Code, for the preceding school year.

(C)(1) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education and workforce whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. For fiscal years ~~2024~~ 2026 and ~~2025~~2027, this amount shall be equal to the actual costs incurred in the prior fiscal year by the district or service center when transporting those students,

as reported to the department, multiplied by one of the following:

(a) For a district, the percentage determined for the district for that fiscal year under divisions (E)(1)(c)(i) and (ii) of section 3317.0212 of the Revised Code;

(b) For a service center, ~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per cent for fiscal year ~~2024~~ 2026 and ~~forty-one and two-thirds~~ fifty per cent for fiscal year ~~2025~~2027.

(2) No district or service center is eligible to receive a payment under division (C) of this section for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM.

(3) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, both of the following apply:

(a) The department of education and workforce shall also establish the deadline for each district and service center to report its actual costs for transporting students described in division (C)(1) of this section.

(b) The costs reported by each district and service center under division (C) of this section shall be subject to periodic, random audits by the department of education and workforce.

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the department of education and workforce.

(E)(1) An amount for auxiliary services to each school

district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E)(2) of this section.

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) Not later later than ten days after the notification of approval and issuance of a charter to a nonpublic school, that school may elect to receive funds under division (E)(2) of this section. If no election is made, the chartered nonpublic school shall receive funds under division (E)(1) of this section. The school may subsequently change its election in accordance with division (E)(2)(a) of this section.

(c) A chartered nonpublic school that elects to receive auxiliary services funds under division (E)(2) of this section may designate an organization that oversees one or more

nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education and workforce of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E)(1) of this section.

(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division (E)(2)(c) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E)(2) of this section or the organization designated to receive and disburse auxiliary services funds on behalf of a chartered nonpublic school shall maintain records of receipt and

expenditures of the funds in a manner that conforms with generally accepted accounting principles.

(v) The department of education and workforce shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E)(2)(c) of this section may use to comply with division (E)(2)(c)(iv) of this section. However, the department shall not require schools to use that form.

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E)(2)(c) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E)(2)(c)(vi) of this section using auxiliary services funds.

(d) The amount paid under divisions (E)(1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year.

(F) An amount for each county board of developmental disabilities for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code. For fiscal years ~~2024~~ 2026 and ~~2025~~2027, this amount shall be equal to the actual costs incurred in the prior fiscal year by the county board when transporting those students multiplied by

~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per cent for fiscal year ~~2024~~ 2026 and ~~forty-one and two-thirds~~ fifty per cent for fiscal year ~~2025~~2027.

(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

The department of education and workforce or any board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof.

Sec. 3317.026. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

(A) For each fiscal year, the department of education and workforce shall calculate an amount for the community and STEM school unit as follows:

(1) For each community school and STEM school, determine the sum of the following:

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code;

(b) The sum of the following:

(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:

$422 X the school's economically disadvantaged index X the number of students in the school's enrolled ADM who are

economically disadvantaged

(d) The sum of the following:

(i) The school's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(e) The sum of the following:

(i) The school's category one career-technical education ADM X the multiple specified under division (A)(1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(ii) The school's category two career-technical education ADM X the multiple specified under division (A)(2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(iii) The school's category three career-technical education ADM X the multiple specified under division (A)(3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(iv) The school's category four career-technical education

ADM X the multiple specified under division (A)(4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(v) The school's category five career-technical education ADM X the multiple specified under division (A)(5) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year.

(f) An amount equal to the following:

The multiple for career-technical associated services specified under division (B) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the school's categories one through five career-technical education ADM

(g) If the school is a community school, an amount equal to the following:

The number of students reported by the community school under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the school's enrolled ADM) X 0.20

(h) If the school is not an internet- or computer-based community school, an equity supplement calculated as follows:

The number of students in the school's enrolled ADM X $650

(2) For each community and STEM school, determine the lesser of the following:

(a) The following sum:

The school's funding base + {[(the sum calculated for the

school under division (A) of this section) - the school's funding base] X the school's general phase-in percentage for that fiscal year}

(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.

(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.

(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.

Sec. 3317.0212. (A) As used in this section:

(1) For fiscal years ~~2024 —~~2026 and ~~2025~~2027, "assigned bus" means a school bus used to transport qualifying riders.

(2) For fiscal years ~~2024 —~~2026 and ~~2025~~2027, "density" means the total riders per square mile of a school district.

(3) For fiscal years ~~2024 —~~2026 and ~~2025~~2027, "nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.

(4) "Qualifying riders" means the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, students specified by the general assembly.

(5) "Qualifying ridership" means the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October;

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, a ridership determined in a manner specified by the general assembly.

(6) "Rider density" means the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the following quotient:

A school district's total number of qualifying riders/ the number of square miles in the district

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, a number calculated in a manner determined by the general assembly.

(7) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "riders" means students enrolled in regular and special education in

grades kindergarten through twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the first day of November, for fiscal years ~~2024~~ 2026 and ~~2025~~2027, or a date determined by the general assembly, for fiscal year ~~2026~~ 2028 and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education and workforce its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous

fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027:

(a) Calculate the sum of the following:

(i) The product of the statewide transportation cost per

student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;

(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.

(b) Calculate the sum of the following:

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools;

(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools.

(c) Multiply the greater of the amounts calculated under divisions (E)(1)(a) and (b) of this section by the following:

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code;

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one and two-thirds~~ fifty per cent or the district's state share percentage.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount determined by the general assembly.

(F) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts.

(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the ~~most recently available~~ data from the previous fiscal year in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per

assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the department a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(H)(1) For purposes of division (H) of this section, a school district's "transportation supplement percentage" means the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the following quotient:

(28 - the district's rider density) / 100

If the result of the calculation for a district under division (H)(1)(a) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(1)(b) of this section X 0.55

(I)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of that section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be

based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the department implementing this section, the payment to the community school shall be the following:

(i) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed

and paid in a manner described in division (G) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

The community school, however, is not required to use the same method to transport the student.

As used in this division, "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) A community school shall be paid under division (I)(2) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

Sec. 3317.0213. (A) The department of education and workforce shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised

Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the additional state aid shall be calculated under the following formula:

($4,000 X the number of students who are preschool children with disabilities) + the sum of the following:

(1) The district's or institution's category one special education students who are preschool children with disabilities X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(2) The district's or institution's category two special education students who are preschool children with disabilities X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(3) The district's or institution's category three special education students who are preschool children with disabilities X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(4) The district's or institution's category four special education students who are preschool children with disabilities

X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(5) The district's or institution's category five special education students who are preschool children with disabilities X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(6) The district's or institution's category six special education students who are preschool children with disabilities X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50.

For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the additional state aid shall be calculated for each category of special education students who are preschool children with disabilities using a formula specified by the general assembly.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share percentage of a student enrolled in an institution is the state share percentage of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school,

that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board.

Sec. 3317.0215. (A)(1) For fiscal years ~~2024 —~~2026 and ~~2025~~2027, the department of education and workforce shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code an amount equal to the following:

(a) In the case of a city, local, or exempted village school district, the aggregate amount of special education funding paid to the district under division (A)(3) of section 3317.022 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A)(1)(b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A)(2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the department shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section.

(B) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C)(1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code.

For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly.

Sec. 3317.0217. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) For each fiscal year, the department of education and workforce shall compute targeted assistance funds for city,

local, and exempted village school districts, in accordance with the following formula:

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section

(B) The department shall calculate each district's capacity amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:

(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) + (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4)

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year;

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year;

(4) Compute each district's capacity amount for that fiscal year as follows:

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1.

(ii) The district's enrolled ADM is less than 200.

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:

(i) Compute the following amount for the district:

(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) – (the district's weighted wealth for that fiscal year X 0.008)

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section.

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula:

{[0.95 X (the district's enrolled ADM for that fiscal year – 400)/200] + 0.05} X the amount computed under division (B)(4)(b)(i) of this section

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil

for that fiscal year, which equals the following quotient:

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code)

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) – (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year

Sec. 3317.0218. This section shall apply only for fiscal years ~~2024~~ 2026 and ~~2025~~2027.

For each fiscal year, the department of education shall compute supplemental targeted assistance for each city, local, and exempted village school district as follows:

(A) Determine if the district satisfies both of the following criteria:

(1) The wealth index calculated for the district for fiscal year 2019 under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to September 30, 2021, is greater than 1.6;

(2) The district's enrolled ADM for fiscal year 2019 is less than eighty-eight per cent of the district's total ADM for fiscal year 2019.

(B) Determine the maximum of the wealth indices calculated under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to September 30, 2021, for all districts that satisfy both of the criteria specified under division (A) of this section;

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the product of the following:

(1) {[(The number specified under division (A)(1) of this section − 1.6)/ (the number determined under division (B) of this section − 1.6)] X 675} + 75;

(2) The district's enrolled ADM.

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero.

Sec. 3317.051. (A) The department of education and

workforce shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount equal to the following sum:

($85,776 X the number of units allocated to a school district under division (B)(1)(a) of this section X the district's state share percentage) + ($89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + ($80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage)

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.06. Moneys paid to school districts under division (E)(1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the department of education and workforce for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be

submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic mental health or psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic mental health, psychological, and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of

section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to

their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device.

Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned.

(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and to loan such items to pupils attending such nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. "Computer hardware and related equipment" includes desktop computers and workstations; laptop computers, computer tablets, and other mobile handheld devices; their operating systems and accessories; and any equipment designed to make accessible the environment of a classroom to a student, who is physically unable to attend classroom activities due to hospitalization or other circumstances, by allowing real-time interaction with other students both one-on-one and in

group discussion.

(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units.

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school described in division (E)(1) of section 3317.024 of the Revised Code that closes.

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to maintain such equipment.

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district described in division (E)(1) of section 3317.024 of the Revised Code.

(Q) To provide language and academic support services and other accommodations for English learners attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile

units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. School districts shall not deny a nonpublic school's request for personnel who are properly licensed by a state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code.

No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools within the district.

Materials, equipment, computer hardware or software, textbooks, digital texts, and health and remedial services provided for the benefit of nonpublic school pupils pursuant to this section and the admission of pupils to such nonpublic schools shall be provided without distinction as to race, creed,

color, or national origin of such pupils or of their teachers.

No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity.

As used in this section, "parent" includes a person standing in loco parentis to a child.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the department's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts and educational service centers with which districts contract to provide auxiliary services shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. If a district contracts with an educational service center to provide auxiliary services, only the service center shall be reimbursed for administrative costs. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its

determination and the amount of the refund to be made to the director of job and family services who shall make a refund as provided in section 4141.47 of the Revised Code.

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3317.11. (A) As used in this section:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "base amount" is equal to $356,250.

(2) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "funding base" means an amount calculated by the department of education and workforce that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made.

(3) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, "student count" means the count calculated under division (G)(1) of

section 3313.843 of the Revised Code.

(B)(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the department of education and workforce shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count of 5,000 students or less, the base amount.

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum:

The base amount + [(the educational service center's student count - 5,000) X $24.72]

(3) If the educational service center has a student count greater than 35,000 students, the following sum:

The base amount + (30,000 X $24.72) + [(the educational service center's student count - 35,000) X $30.90]

Sec. 3317.16. The department of education and workforce shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as follows:

For fiscal years ~~2024~~ 2026 and ~~2025~~2027:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (4), (5), and (6) of this section - the district's general funding base) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year]

For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), and (6) of this section.

(A) A district's state core foundation funding components shall be all of the following:

(1) The district's state share of the base cost, which is equal to the following:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount calculated according to the following formula:

(The district's ~~base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation)~~

~~However, no district shall receive an amount under division (A) (1) of this section that is less than 0.10 times the base cost calculated for the district under section 3317.012 of the Revised Code.~~ enrolled ADM for the fiscal year) X (the district's state share percentage for the fiscal year) X (the district's base cost per pupil for the fiscal year)

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the sum of the following:

(i) The district's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(ii) The district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(iii) The district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(iv) The district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for

that fiscal year X the district's state share percentage;

(v) The district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(vi) The district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special

education ADM.

(3) Disadvantaged pupil impact aid calculated as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, an amount calculated according to the following formula:

$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code

(b) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(4) English learner funds calculated as follows:

(a) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the sum of the following:

(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.

(b) For fiscal year ~~2026~~ 2028 and each fiscal year

thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the department documentation, as prescribed by the department, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold cost;

(b) The product of one-half of the district's costs for

the student in excess of the threshold cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.

Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as

provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

(D) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(E) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a school district shall spend the funds it receives under division (A)(4) of this section only for services for English learners.

(F) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3317.161. (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code.

(B)(1) A career-technical education program or a dropout prevention and recovery program of a city, local, or exempted village school district, community school, or STEM school shall

be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section.

(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of education and workforce for an approval period that includes the fiscal year in which the district or school becomes a new member of the career-technical planning district shall retain its approved status during that fiscal year.

(3) If an existing member of a career-technical planning district develops a new career-technical education program, that program shall be approved or disapproved by the lead district of the career-technical planning district prior to the first fiscal year for which the district or school is seeking funding for the program.

(4) Except as provided in division (B)(2) of this section, if a career-technical education program was approved by the department prior to September 29, 2013, that approval remains valid for the unexpired remainder of the approval period specified by the department. Approval of that program may then be renewed in accordance with this section on a date prior to the expiration of the approval period.

(C)(1) The lead district of a career-technical planning district shall approve or disapprove for a five-year period each career-technical education program of the city, local, and exempted village school districts, community schools, and STEM schools that are assigned by the department to the career-technical planning district. The lead district's decision to approve or disapprove a program shall be based on requirements for career-technical education programs that are specified in rules adopted by the department. These requirements shall include, but are not limited to, all of the following:

(a) Demand for the career-technical education program by industries in the state;

(b) Quality of the program;

(c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;

(d) Admission requirements of the lead district;

(e) Past performance of the district or school that is offering the program;

(f) Traveling distance;

(g) Sustainability;

(h) Capacity;

(i) Availability of the program within the career-technical planning district;

(j) In the case of a new program, the cost to begin the program.

(2) ~~The lead district shall approve or disapprove each~~

~~program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program.~~ If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision.

If the lead district disapproves the program or does not take any action to approve or disapprove the program~~ by the first day of March~~, the district or school may appeal the lead district's decision or failure to take action to the department~~ by the fifteenth day of March~~.

(D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education program, the department shall review the lead district's decision and determine whether to approve or disapprove the program~~ not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program~~. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination.

(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review~~ not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program~~. The department shall notify the

lead district and the appealing district or school of its determination.

(3) In conducting a review under division (D)(1) or (2) of this section, the department shall consider the criteria prescribed under division (C)(1) of this section.

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district or school of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the department.

(5) The department's decisions under divisions (D)(1) and (2) of this section shall be final and not appealable.

~~(6) The director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D)(1) or (2) of this section has passed.~~

The department shall authorize a payment for any dropout prevention and recovery program offering career-technical education that is in its first year of operation and that submits an application ~~during the additional application period described in division (D)(6) of this section~~ in the fiscal year for which the application was submitted.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under

this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

Sec. 3317.162. (A) For fiscal years ~~2024 —~~2026 and ~~2025~~2027, the department of education shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) – (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024 —~~2026 or fiscal year ~~2025 —~~2027 but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code.

Sec. 3317.163. (A) As used in this section:

(1) "Credential-only program" means an industry-approved credentialing program, or a series of such programs, offered by

a dropout prevention and recovery community school in which students enrolled in grades eleven and twelve may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code. The program, or programs, shall align with a career-technical education program approved under section 3317.161 of the Revised Code. The dropout prevention and recovery community school shall offer the program, or programs, using classroom teachers employed by the school.

(2) "Dropout prevention and recovery community school" has the same meaning as in section ~~3319.301~~ 3314.02 of the Revised Code.

(B) Notwithstanding any provision of Chapter 3317. of the Revised Code to the contrary, all of the following shall apply:

(1) For the purposes of sections 3317.014, 3317.022, and 3317.026 of the Revised Code, the department of education and workforce shall adjust the career-technical education ADM of a dropout prevention and recovery community school that offers a credential-only program so that each student enrolled in that program is included only in the school's category one career-technical education ADM, regardless of whether the credential-only program includes programs described in division (A)(1) of section 3317.014 of the Revised Code.

(2) For funding purposes, the department shall count each student enrolled in a credential-only program as a full-time student.

(3) A dropout prevention and recovery community school that offers a credential-only program may provide support services to students who graduate from the school to assist them in securing post-secondary placement opportunities, including

careers with state, regional, or local labor organizations. For that purpose, the school may use a portion of the career-technical education funds received under section 3317.022 of the Revised Code to provide recent graduates, in the year following their graduation from the school, with short-term, emergency financial assistance for expenses related to child care, housing, food insecurity, transportation, and services including but not limited to health care, dental care, mental health care, and addiction treatment services.

Sec. 3317.165. (A)(1) For fiscal years 2026 and 2027, the department of education and workforce shall calculate a joint vocational school district's per-pupil local capacity amount according to the following formula:

(0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation) / (the district's base cost enrolled ADM)

(2) For fiscal year 2028 and each fiscal year thereafter, the department shall calculate a district's per-pupil local capacity amount in a manner determined by the general assembly.

(B)(1) For fiscal years 2026 and 2027, the department shall calculate a joint vocational school district's state share percentage according to the following formula:

(The district's base cost per pupil for the fiscal year - the district's per-pupil local capacity amount for the fiscal year) / (the district's base cost per pupil for the fiscal year)

If the result is less than 0.10, the state share percentage shall be 0.10.

(2) For fiscal year 2028 and each fiscal year thereafter, the department shall calculate the state share percentage for a

joint vocational school district in a manner determined by the general assembly.

Sec. 3317.20. This section does not apply to preschool children with disabilities.

(A) As used in this section:

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" means the state share percentage of the child's school district.

(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount equal to the following:

(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, the statewide average base cost per pupil + (state share percentage X the applicable special education multiple X the statewide average base cost per pupil);

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, an amount determined by the general assembly.

(C) Each county board of developmental disabilities shall report to the department, in the manner specified by the department, the name of each child for whom the county board of developmental disabilities provides special education and

related services and the child's school district.

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that

contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool children with disabilities.

(A) As used in this section, the "total special education amount" for an institution means the following:

(1) For fiscal years ~~2024—~~2026 and ~~2025~~2027, the sum of the following amounts:

(a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(b) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(c) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(d) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised

Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(e) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(f) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, the sum of the following amounts:

(a) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code;

(b) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised

Code;

(c) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code;

(d) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code;

(e) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code;

(f) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code.

(B) For each fiscal year, the department of education and workforce shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the

institution's total special education amount.

Sec. 3317.22. (A) As used in this section:

(1) "Eligible internet- or computer-based community school" means an internet- or computer-based community school ~~in which a majority of the students were enrolled in~~ that is a dropout prevention and recovery ~~program~~community school, as defined in section 3314.02 of the Revised Code.

(2) "Statewide average base cost per-pupil" has the same meaning as in section 3317.02 of the Revised Code.

~~(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.~~

(B) The department of education and workforce shall establish a program to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools. An eligible internet- or computer-based community school may choose to participate in the program by notifying the department not later than the first day of February of the school year in which the school will participate in the program in a form and manner determined by the department.

(C) The department shall require each eligible internet- or computer-based community school that chooses to participate in the program to report all information that is necessary to make payments under division (D) of this section.

(D) The department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the program, as follows:

(1) Compute the lesser of the following for each student

enrolled in grades eight through twelve:

(a) The statewide average base cost per-pupil X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(b) The sum of the following:

(i) A one-time payment of $1,750. In the case of a student enrolled in the school for the first time for the school year for which the payment is being made, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student is considered to be enrolled in the school in accordance with division (H)(2) of section 3314.08 of the Revised Code, provided the student has been continuously enrolled in the school during that time, as determined by the department. In the case of a student that was enrolled in the school for the prior school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student has started to participate in learning opportunities for the school year for which the payment is being made, provided the student has been continuously enrolled in the school during that time, as determined by the department.

(ii) The statewide average base cost per-pupil X (1/920) X the lesser of the number of hours the student participates in learning opportunities in that fiscal year or 920;

(iii) The lesser of ($500 X either the number of courses completed by the student in that fiscal year, in the case of a student enrolled in grade eight, or the number of credits earned by the student in that fiscal year, in the case of a student enrolled in grades nine through twelve) or $2,500.

(2) Compute the sum of the amounts calculated under

division (D)(1) of this section for all students enrolled in grades eight through twelve.

(3) Compute the school's payment in accordance with the following formula:

(The amount determined under division (D)(2) of this section) - (the number of full-time equivalent students enrolled in grades eight through twelve in the school X the statewide average base cost per-pupil)

If the amount computed under division (D)(3) is a negative number, the school shall not receive a payment under this section.

(E)(1) The department may complete a review of the enrollment of each eligible internet- or computer-based community school that chooses to participate in the program in accordance with division (K) of section 3314.08 of the Revised Code. If the department determines a school has been overpaid based on a review completed under division (E)(1) of this section, the department shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(2) To the extent that an eligible internet- or computer-based community school that chooses to participate in the program had, for the prior school year, a percentage of student engagement in learning opportunities that was less than sixty-five per cent, the school shall provide to the department a meaningful plan for increasing student engagement.

(3) All eligible internet- or computer-based community schools that choose to participate in the program shall implement programming or protocol which documents enrollment and

participation in learning opportunities in order to participate in the program.

Sec. 3317.25. (A) As used in this section, "disadvantaged pupil impact aid" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code.

(B)(1) ~~For~~ Subject to to division (B)(3) of this section, for fiscal years ~~2024~~ 2026 and ~~2025~~2027, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives:

(a) Extended school day and school year;

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction;

(c) Instructional technology or blended learning;

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade;

(e) Dropout prevention;

(f) School safety and security measures;

(g) Community learning centers that address barriers to learning;

(h) Academic interventions for students in any of grades six through twelve;

(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;

(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;

(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;

(l) Services for homeless youth;

(m) Services for child welfare involved youth;

(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;

(o) Physical health care services, including telehealth

services and community-based health services;

(p) Family engagement and support services;

(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.

(3) Each city, local, or exempted village school district or community school that was required to submit a reading achievement improvement plan under section 3302.13 of the Revised Code in the prior fiscal year shall spend at least fifty per cent of the disadvantaged pupil impact aid it receives in the current fiscal year on the initiatives described in divisions (B)(1)(b) and (d) of this section. Any other school district, community school, or STEM school shall spend at least twenty-five per cent of the disadvantaged pupil impact aid it receives in the current fiscal year on the initiatives described in those divisions.

(C)(1) For fiscal years ~~2024~~ 2026 and ~~2025~~2027, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:

(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;

(b) An educational service center;

(c) A county board of developmental disabilities;

(d) A ~~community-based~~ community mental health prevention or treatment provider;

(e) A board of health of a city or general health district;

(f) A county department of job and family services;

(g) A nonprofit organization with experience serving children;

(h) A public hospital agency.

(2) For fiscal year ~~2026~~ 2028 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.

(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education and workforce describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years ~~2024~~ 2026 and ~~2025~~2027, this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.

(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.

Sec. 3317.26. (A) As used in this section, "student wellness and success funds" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (E)(3) of section 3317.011 of the Revised Code, subject to the state share and any phase-in established by the general assembly;

(2) For a joint vocational school district, the funds received under division (E)(3) of section 3317.012 of the Revised Code, subject to the state share and any phase-in established by the general assembly;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (E) of section 3317.0110 of the Revised Code for student wellness and success funds, as determined by the department, subject to any phase-in established by the general assembly;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3317.0110 of the Revised Code for student wellness and success funds, as determined by the department, subject to any phase-in established by the general assembly.

(B) For each fiscal year, the department of education and workforce shall notify each city, local, exempted village, and joint vocational school district, community school, and STEM school, of the portion of the district or school's state share

of the base cost calculated under section 3317.022 or 3317.16 of the Revised Code, that is attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the department.

(C) In each fiscal year, a city, local, exempted village or joint vocational school district, community school, or STEM school shall spend the student wellness and success funds it receives for any of the initiatives, or a combination of any of the initiatives, described in divisions (B)(1)(j) to (q) of section 3317.25 of the Revised Code.

(D) Not less than fifty per cent of the amount determined under division (B) of this section shall be spent on initiatives described under division (B)(1)(j) or (o) of section 3317.25 of the Revised Code, or a combination of both.

~~(E) Each~~ (E)(1) Annually, each city, local, exempted village, joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan to utilize the student wellness and success funds it receives in coordination, cooperation, and consultation with a community mental health prevention or treatment provider or local board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code and one of the community partners identified under division (C) of section 3317.25 of the Revised Code.

(2) The planning process shall include opportunities for the community mental health prevention or treatment provider or local board of alcohol, drug addiction, and mental health services and the selected community partner to provide meaningful input and feedback on each of the items described in division (E)(3)(a) to (f) of this section.

(3) The plan to utilize the student wellness and success funds developed under this division shall include all of the following:

(a) The type of each initiative the district or school will implement, as described in divisions (B)(1)(j) to (q) of section 3317.25 of the Revised Code;

(b) The amount of funding that will be used for each initiative, including a statement verifying that at least fifty per cent of the amount calculated under division (B) of this section shall be spent on initiatives described under division (B)(1)(j) or (o) of section 3317.25 of the Revised Code, or a combination of both;

(c) The name of the community mental health prevention or treatment provider or local board of alcohol, drug addiction, and mental health services and the selected community partner with which the plan is being developed and implemented;

(d) The type of needs assessment or relevant data used to identify the need for each initiative;

(e) The goal for each initiative;

(f) How the impact of each initiative will be measured or evaluated.

(F) ~~Within~~ Annually, and within thirty days of the creation or amendment of the plan for a particular school year as required under division (E) of this section, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall share the plan at a public meeting of the board of education or governing authority~~and~~, post the plan on the district or school's publicly accessible web site, and submit to the department a link to the

posted plan.

(G)(1) All student wellness and success funds allocated in any of fiscal years 2020 to 2023 shall be expended prior to June 30, 2025. Any unexpended funds shall be repaid to the department.

(2) Beginning in fiscal year 2024, all student wellness and success funds shall be spent by the end of the following fiscal year. Any unexpended funds shall be repaid to the department.

(H)(1) If the department determines that a city, local, exempted village, joint vocational school district, community school, or STEM school has not spent funds in accordance with divisions (C) and (D) of this section, the department may require a corrective action plan.

(2) If a city, local, exempted village, joint vocational school district, community school, or STEM school is determined to be out of compliance with the corrective action plan described under division (H)(1) of this section, the department may withhold student wellness and success from that district or school.

(I) At the end of each fiscal year, each district and school shall submit a report to the department, in a manner determined by the department, describing the initiative or initiatives on which the district or school's funds were spent under this section during that fiscal year.

Sec. 3317.27. The quality community school support program is established. Under the program, the department of education and workforce shall pay each community school established under Chapter 3314. of the Revised Code and designated as a community

school of quality under section 3317.28 of the Revised Code an amount up to three thousand dollars in each fiscal year for each student identified as economically disadvantaged and up to two thousand two hundred fifty dollars in each fiscal year for each student that is not identified as economically disadvantaged. The payment for a fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for that fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The department shall make periodic payments to each designated school beginning in January of that fiscal year.

Sec. 3317.28. Not later than the thirty-first day of December of each fiscal year, the department of education and workforce shall designate as a community school of quality each community school established under Chapter 3314. of the Revised Code that meets the criteria established in division (A), (B), or (C) of this section.

(A) A community school qualifies as a community school of quality if the school meets all of the following criteria:

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(2) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(3) The school received a performance rating of four stars or higher for the progress component on the most recent report card issued for the school under section 3302.03 of the Revised

Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a rating for the progress component on the most recent report card.

(4) At least fifty per cent of the students enrolled in the school in the prior fiscal year were economically disadvantaged, as determined by the department.

(B) A community school qualifies as a community school of quality if the school meets all of the following criteria:

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(2) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years.

(3) The school is replicating an operational and instructional model used by a community school described in division (A) of this section.

(4) If the school has an operator, the operator received a rating of three stars or better on its most recent performance report published under section 3314.031 of the Revised Code.

(C) A community school qualifies as a community school of quality if the school meets all of the following criteria:

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(2) The school satisfies either of the following:

(a) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

(i) Has operated a school that received a grant funded through the federal charter school program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the charter school growth fund;

(ii) Meets all of the following criteria:

(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the department.

(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the department.

(III) The operator is in good standing in all states where it operates schools, as determined by the department.

(IV) The department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.

(b) The school is replicating an operational and instructional model through an agreement with a college or university used by a community school or its equivalent in another state that performed better than the school district in which the school is located, as determined by the department.

(3) The school is in its first year of operation or, if not in its first year of operation and qualifying under division (C)(2)(b) of this section, opened on July 1, 2022, and has not

previously been designated as a community school of quality under this section, in which case the first payment under section 3317.27 of the Revised Code shall be made on or before January 31, 2024, and shall be calculated based on the adjusted full-time equivalent number of students enrolled in the school for fiscal year 2024.

(D) A school designated as a community school of quality under this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a community school of quality.

(E) A school designated a community school of quality may renew its designation each year that it satisfies the criteria under division (A) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (A) of this section are satisfied.

(F) A school that was designated as a community school of quality for the first time under division (B) of this section for the 2022-2023 school year shall be considered to have maintained that designation for the 2022-2023 school year, shall maintain that designation through the 2027-2028 school year, and may renew its designation under division (E) of this section after that year.

(G) If two or more community schools have merged or merge in accordance with division (B) of section 3314.0211 of the Revised Code on or after June 30, 2022, the surviving community school is eligible to receive funds under this program, provided it otherwise qualifies as a community school of quality under division (A), (B), or (C) of this section. In such a case, the payment for a fiscal year shall be calculated using the adjusted

full-time equivalent number of students enrolled in the school for that fiscal year as of the date the payments are made, as reported by the surviving community school under section 3314.08 of the Revised Code, regardless of whether those students were previously enrolled in a community school that was dissolved as part of the merger. A community school qualified to receive funds under the program prior to merging on or after June 30, 2022, and was dissolved due to the merger, shall be considered to have been eligible for funds under the program prior to the effective date of this section and shall not be required to return any funds received prior to that date.

Sec. 3317.29. (A) The quality independent STEM school support program is established. Under the program, the department of education and workforce shall pay each STEM school established under Chapter 3326. of the Revised Code and designated as an independent STEM school of quality under this section an amount up to three thousand dollars in each fiscal year for each student identified as economically disadvantaged and up to two thousand two hundred fifty dollars in each fiscal year for each student that is not identified as economically disadvantaged. The payment for a fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for that fiscal year as of the date the payment is made, as reported by the school under section 3326.32 of the Revised Code. The department shall make periodic payments to each designated school beginning in January of a fiscal year.

(B) Not later than the thirty-first day of December each fiscal year, the department shall designate a STEM school as an independent STEM school of quality if the school satisfies all of the following criteria:

(1) The STEM school operates autonomously under section 3326.031 of the Revised Code.

(2) The STEM school does not have a STEM school equivalent designation under section 3326.032 of the Revised Code.

(3) The STEM school is not governed by a school district under section 3326.51 of the Revised Code.

(4) The STEM school is not a community school established under Chapter 3314. of the Revised Code.

(5) The STEM school cannot levy taxes or issue tax-secured bonds in accordance with section 3326.49 of the Revised Code.

(6) The STEM school satisfies the requirements prescribed by section 3326.03 of the Revised Code.

(7) The STEM school satisfies the requirements described in the quality model for STEM and STEAM schools established by the department of education and workforce in accordance with Chapter 3326. of the Revised Code.

(C) A school designated as an independent STEM school of quality under this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as an independent STEM school of quality.

(D) A school designated as an independent STEM school of quality may renew its designation each year that it satisfies the criteria under division (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (B) of this section are satisfied. This division applies to schools designated as an independent STEM school of quality

based on the report cards issued in accordance with sections 3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 2018-2019 school years.

Sec. 3317.31. The department of education and workforce shall pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to twenty-five dollars in each fiscal year for each full-time equivalent student in an internet- or computer-based community school and one thousand five hundred dollars in each fiscal year for each full-time equivalent student in all other community or STEM schools for assistance with the cost associated with facilities.

Sec. 3318.032. (A) Except as otherwise provided in divisions ~~(C)~~(B), (D), and ~~(D)~~(E) of this section, the portion of the basic project cost supplied by the school district shall be the ~~greater of:~~

~~(1) The~~ required percentage of the basic project costs~~;~~.

~~(2)(a)~~(B) For ~~all districts except~~ a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, ~~an amount necessary to raise the school district's net bonded indebtedness~~ the portion of the basic project cost supplied by the school district for the first segment shall be calculated using the required percentage of the basic project costs~~,~~ as of the date the controlling board approved the project~~, to within five thousand dollars of the required level of indebtedness;~~. Any future segment's portion of the basic project cost shall use the same respective share as the first segment.

~~(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:~~

~~The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio facilities construction commission and the district)~~

~~(B)~~ (C) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the sixteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

~~(C)~~ (D) At no time shall a school district's portion of the

basic project cost be greater than ninety-five per cent of the total basic project cost.

~~(D)~~ (E) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following:

(1) The portion calculated under division (A) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for the new project;

(b) The percentage of the basic project cost paid by the district for the previous project.

Sec. 3318.12. (A) The Ohio facilities construction commission shall cause to be transferred to the school district's project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. All investment earnings of a school district's project construction fund shall be credited to the fund.

(B)(1) The treasurer of the school district board shall disburse funds from the school district's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's

designated representative. The commission or the commission's designated representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

(2) Notwithstanding anything to the contrary in division (B)(1) of this section, the school district board may, by a duly adopted resolution, choose to use all or part of the investment earnings of the district's project construction fund that are attributable to the district's contribution to the fund to pay the cost of classroom facilities or portions or components of classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the treasurer shall disburse the amount as designated and directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to

the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C)(2) or (3) of this section from a project construction fund for a project under sections 3318.40 to 3318.45 of the Revised Code may be used for future expenditures for projects under sections 3318.40 to 3318.45 of the Revised Code~~, notwithstanding the two per cent annual limit specified~~ in accordance with division (B)

of section 3318.40 of the Revised Code.

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised Code:

(a) "Ohio facilities construction commission," "classroom facilities," "project," and "basic project cost" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom facilities.

(B) There is hereby established the vocational school facilities assistance program. Under the program, the Ohio facilities construction commission shall provide assistance to joint vocational school districts for the acquisition of classroom facilities suitable to the vocational education programs of the districts in accordance with sections 3318.40 to 3318.45 of the Revised Code. ~~For purposes of the program, beginning July 1, 2003, the~~ The commission ~~annually~~ may set aside ~~up to two per cent~~ a portion of the aggregate amount appropriated to it for classroom facilities assistance projects in the public school building fund, established under section 3318.15 of the Revised Code, and the school building program assistance fund, established under section 3318.25 of the Revised Code, to provide assistance to at least two joint vocational school districts per biennium. The amount set aside for this purpose shall be determined by the commission.

(C) The commission shall not provide assistance for any distinct part of a project under sections 3318.40 to 3318.45 of

the Revised Code that when completed will be used exclusively for an adult education program or exclusively for operation of a driver training school for instruction leading to the issuance of a commercial driver's license under Chapter 4506. of the Revised Code, except for life safety items and basic building components necessary for complete and continuous construction or renovation of a classroom facility as determined by the commission.

(D) The commission shall not provide assistance under sections 3318.40 to 3318.45 of the Revised Code to acquire classroom facilities for vocational educational instruction at a location under the control of a school district that is a member of a joint vocational school district. Any assistance to acquire classroom facilities for vocational educational instruction at such location shall be provided to the school district that is a member of the joint vocational school district through other provisions of this chapter when that member school district is eligible for assistance under those provisions.

(E) By September 1, 2003, the commission shall assess the classroom facilities needs of at least five joint vocational school districts, according to the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, and based on the results of those assessments shall determine the extent to which amendments to the specifications adopted under section 3318.311 of the Revised Code are warranted. The commission, thereafter, may amend the specifications as provided in that section.

(F) After the commission has conducted the assessments prescribed in division (E) of this section, the commission shall establish, by rule adopted in accordance with section 111.15 of

the Revised Code, guidelines for the commission to use in deciding whether to waive compliance with the design specifications adopted under section 3318.311 of the Revised Code when determining the number of facilities and the basic project cost of projects as prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

(1) Under what circumstances, if any, particular classroom facilities are adequate to meet the needs of the school district even though the facilities do not comply with the specifications adopted under section 3318.311 of the Revised Code;

(2) Under what circumstances, if any, particular classroom facilities will be renovated or repaired rather than replaced by construction of new facilities.

Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education and workforce for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or

administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service training required by division (A) of this section. Each board also shall incorporate training in the prevention of dating violence into the in-service training required by that division for middle and high school employees. The board shall develop its own curricula for these purposes.

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines

appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once every two years. For this purpose, the board ~~shall adopt or adapt the curriculum developed by the department under section 3301.221 of the Revised Code or~~ shall develop its own curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.

The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board~~, and the training may be accomplished through self-review of suitable suicide prevention materials approved by the board~~.

(E) Each board shall incorporate training on child sexual abuse into the in-service training required by division (A) of this section. The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board. ~~Any training provided under this section shall be presented by either of the following who have experience in handling cases involving child sexual abuse or child sexual violence:~~

~~(1) Law enforcement officers;~~

~~(2) Prosecutors~~For this purpose, the board shall develop its own curriculum in consultation with public or private agencies or persons involved in child sexual abuse prevention or child sexual violence prevention.

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a

professional or permanent teacher's certificate issued under former section 3319.222 of the Revised Code, and who spends at least fifty per cent of the time employed providing student instruction. However, this section does not apply to any person who is employed as a substitute teacher or as an instructor of adult education.

(A) The board of education of each school district, in consultation with teachers employed by the board, shall update its standards-based teacher evaluation policy to conform with either the framework for evaluation of teachers adopted under section 3319.112 of the Revised Code or a framework created or adopted by the board. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on November 2, 2018, and shall be included in any renewal or extension of such an agreement.

(B) When using measures of student performance as evidence in a teacher's evaluation, those measures shall be high-quality student data. The board of education of each school district may use data from the assessments on the list developed under division (B)(2) of section 3319.112 of the Revised Code as high-quality student data.

(C)(1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in division (C)(2) of this section. The evaluation shall be completed by the first day of May and the teacher shall receive a written report of the results of the evaluation by the tenth day of May.

(2)(a) The board may evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation

conducted under this section once every three school years, so long as the teacher submits a self-directed professional growth plan to the evaluator that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, so long as the teacher and evaluator jointly develop a professional growth plan for the teacher that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(c) For each teacher who is evaluated pursuant to division (C)(2) of this section, the evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year.

(d) The board may elect not to conduct an evaluation of a teacher who meets one of the following requirements:

(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the board.

(ii) The teacher has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted.

~~(e) The board may elect not to conduct an evaluation of a teacher who is participating in the teacher residency program established under section 3319.223 of the Revised Code for the~~

~~year during which that teacher takes, for the first time, at least half of the performance-based assessment prescribed by the state board of education for resident educators.~~

(3) In any year that a teacher is not formally evaluated pursuant to division (C) of this section as a result of receiving a rating of accomplished or skilled on the teacher's most recent evaluation, an individual qualified to evaluate a teacher under division (D) of this section shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The conference shall include a discussion of progress on the teacher's professional growth plan.

(D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the state board of education for being an evaluator:

(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;

(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and

representatives of teachers employed by the board;

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code, the board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the state board the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned each rating prescribed under division (B)(1) of section 3319.112 of the Revised Code or the equivalent framework created or adopted by the board, aggregated by the teacher preparation programs from which and the years in which the teachers graduated. The state board shall establish guidelines for reporting the information required by this division. The guidelines shall not permit or require that the name of, or any other personally identifiable information about,

any teacher be reported under this division.

(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after November 2, 2018.

Sec. 3319.173. (A) The superintendent of each school district shall assign teachers to positions based on the best interests of the students enrolled in the district. In assigning, reassigning, or transferring a teacher, whether voluntary or involuntary on the part of the teacher, the superintendent shall not use seniority or continuing contract status as the primary factor in determining the teacher's assignment.

(B) Notwithstanding any provision to the contrary in section 4117.10 of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after the effective date of this section.

Sec. 3319.223. (A) The superintendent of public instruction and the chancellor of higher education jointly shall establish the Ohio teacher residency program, which shall be a two-year, entry-level program for classroom teachers. Except as provided in division (B) of this section, the teacher residency program shall include at least the following components:

(1) Mentoring by teachers, which may be provided online or in person. The state superintendent shall provide participants and mentors with access to online professional development resources ~~and sample videos of Ohio classroom lessons submitted for the assessment prescribed under division (A)(3) of this~~

~~section at no cost~~.

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development. ~~The state superintendent shall provide to each participant who does not receive a passing score on the assessment under division (A)(3) of this section, at no cost, the opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development.~~

~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

~~Participants who have not taken the assessment under division (A)(3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~

(3) Measures of appropriate progression through the program~~, which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.~~

~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days~~. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.

(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to ~~do either of the following:~~

~~(1) Complete~~ complete the conditions of the Ohio teacher residency program that a participant, as of September 29, 2015, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license.

~~(2) Take a performance-based assessment.~~

(C) The teacher residency program shall be aligned with the standards for teachers adopted by the state board under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction.

(D) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator

license issued under section 3319.22 of the Revised Code.

Sec. 3319.2310. (A) As used in this section, "other public school" has the same meaning as in section 3301.0711 of the Revised Code.

(B) The department of education and workforce shall do both of the following:

(1) Maintain a training course for licensed educators that serves as an introduction to the science of reading;

(2) Develop a competency-based training course for licensed educators that updates and reinforces educators' knowledge and skills in the science of reading.

(C) Each individual employed by a school district or other public school as a teacher, administrator, school psychologist, or speech-language pathologist shall complete training in the science of reading in accordance with division (C) of this section.

(1) An individual hired by the district or other public school as a teacher or administrator prior to July 1, 2025, shall complete the training described in division (B)(2) of this section by June 30, 2030, and every five years thereafter.

(2) An individual hired by the district or other public school as a teacher or administrator on or after July 1, 2025, shall complete the training described in division (B)(1) of this section within one year after the date of hire and shall complete the training described in division (B)(2) of this section every five years thereafter. However, an individual shall not be required to complete the training described in division (B)(1) of this section if the district superintendent or head administrator of the other public school has verified

that the individual did either of the following within five years prior to the date of hire:

(a) Completed that training or a similar training, as determined by the department;

(b) Completed appropriate coursework in the science of reading as part of the individual's educator or licensure preparation program.

(3) An individual employed by the district or other public school as a school psychologist or speech-language pathologist shall complete the training described in division (B)(1) of this section by June 30, 2027, and shall complete the training described in division (B)(2) of this section every five years thereafter.

(D) A professional development committee established under section 3319.22 of the Revised Code shall count training described in division (B) of this section toward professional development requirements for educator licensure renewal. The committee shall permit an individual to apply any hours earned over the minimum amount of hours required for professional development coursework for licensure renewal to the next renewal period for that license.

Sec. 3319.271. (A) The department of education and workforce shall establish a principal apprenticeship program. The program shall provide multiple pathways for individuals to receive training and development in school leadership and primary and secondary school administration and shall provide the option for participants to obtain a master's degree.

(B) The principal apprenticeship program shall be open to licensed educators who are employed as a teacher in a public or

chartered nonpublic school in this state and to professionals working in fields other than education. In selecting candidates for the program, the department may give preference to applicants who have multiple years of classroom teaching experience or multiple years of experience in the same professional career field and experience in teaching, training, or supervising others.

(C) The principal apprenticeship program shall require participating individuals to be mentored by a school principal and complete on-the-site job training.

(D) The state board of education shall issue an individual a professional administrator license for grades pre-kindergarten through twelve upon certification from the department that the individual has successfully completed the principal apprenticeship program.

Sec. 3319.301. (A) As used in this section:

(1) "Dropout prevention and recovery community school"~~—means a community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school~~ has the same meaning as in section 3314.02 of the Revised Code.

(2) "Industry-recognized credential program" means a career-technical course in which a student may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school or an individual teaching an industry-recognized credential program offered at a dropout prevention and recovery community school may teach classes for not more than a total of forty hours a week. The state board, by rule, shall set forth the qualifications, other than licensure under sections 3319.22 to 3319.30 of the Revised Code, to be met by individuals in order to be issued a permit as provided in this section. Such qualifications shall include the possession of a baccalaureate, master's, or doctoral degree in, or significant experience related to, the subject the individual is to teach. For an individual assigned to teach a career-technical class, significant experience related to a subject shall include career-technical experience. Applications for permits pursuant to this section shall be made in accordance with section 3319.29 of the Revised Code. A permit issued under this section shall be renewable.

The state board, by rule, shall authorize the board of education of each school district and each STEM school to engage individuals holding permits issued under this section to teach classes for not more than the total number of hours a week specified in the permit. The rules shall include provisions with regard to each of the following:

(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a volunteer basis, or by entering into a contract with the individual or the individual's employer on such terms and

conditions as are agreed to between the board or school and the individual or the individual's employer;

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

(E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed employee of the district.

(F) Chapter 4796. of the Revised Code does not apply to permits issued under this section.

Sec. 3320.04. Each school district board of education shall adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of individual students with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system. The policy shall satisfy all of the following conditions:

(A) The policy shall permit a student in any of grades kindergarten through twelve to be absent for up to three religious expression days each school year to take holidays for reasons of faith or religious or spiritual belief system or participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. The district shall not impose an academic penalty as a result of a student being absent as permitted in the policy. The policy shall also permit students to participate in interscholastic athletics or other extracurricular activities on days in which the student was otherwise absent for a religious expression day.

(B)(1) The policy shall require that students be provided with alternative accommodations with regard to examinations and other academic requirements missed due to an absence described in division (A) of this section if not later than fourteen school days after the first day of school, or fourteen school days after the date of enrollment for a student who transfers to or enrolls in the district after the first day of school, the parent or guardian of a student provides the school principal with written notice of up to three specific dates for which alternative accommodations are requested, if an absence approved under division (B)(2) of this section conflicts with an examination or other academic requirement on that date.

(2) The school principal shall approve not more than three written requests per school year from a student's parent or guardian for an excused absence under division (A) of this section. The school principal shall approve such requests without inquiry into the sincerity of a student's religious or spiritual belief system. However, the school principal may verify a request received under division (A) of this section by contacting the parent or guardian whose signature appears on the request. If a parent or guardian disputes having signed such a request, the school principal may deny the request. Upon approval of a request that satisfies division (B)(1) of this section, a school principal shall require the appropriate classroom teacher or teachers to schedule a time and date for an alternative examination or other academic requirement if the approved student absence creates a conflict, which may be before or after the time and date the examination or other academic requirement was originally scheduled.

(C) The policy shall require the district board to post both of the following in a prominent location on the district's web site:

(1) A copy of the policy adopted under this section, which shall include the contact information of an individual who can provide further information about the policy;

(2) A nonexhaustive list of major religious holidays, festivals, and religious observations, which may include, Eid, Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which an excused absence under this section shall not be unreasonably withheld or denied.

The director of education and workforce shall provide each district with a nonexhaustive list of major religious holidays

or festivals for the next two school years, including Eid, Good Friday, Rosh Hashanah, Yom Kippur, and Passover, at the beginning of each school year. Each district may adopt the director's list in its entirety or choose which holidays to include on its list.

Each time a district's policy is posted, printed, or published, including as described in divisions (C) and (D) of this section, the district shall include a statement that the list is nonexhaustive, and the list may not be used to deny accommodation to a student for a holiday or festival of the student's faith or religious or spiritual belief system that does not appear on the list.

Nothing in this section, and no inclusion or exclusion of a religious holiday or festival on the list posted by a district, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system provided under this section.

(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district.

(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C)(1) of~~ section 3321.191 of the Revised Code.

Sec. 3321.16. (A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of specific direction.

(B)(1) Subject to divisions (B)(2) and (3) of this section, the attendance officer shall file a complaint in the juvenile court against ~~a student on the sixty-first day after the implementation of an absence intervention plan or other intervention strategies, provided that all~~ any student to which any of the following apply:

(a) The student was absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours~~,~~.

(b) The student was absent without legitimate excuse from the public school the child is supposed to attend for forty-two or more hours in one school month~~, or~~ .

(c) The student was absent without legitimate excuse from

the public school the child is supposed to attend for seventy-two or more hours in a school year.

~~(b) The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication described under division (C)(2)(b) of section 3321.191 of the Revised Code.~~

~~(c) The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.~~

(2) If the ~~student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty or more consecutive hours or forty-two or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan~~ student's district or school determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school, the attendance officer shall not file a complaint.

(3) ~~In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, in the school district's discretion, the absence intervention team or the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional thirty days from the first day of instruction of the next school year~~If no determination of progress under division (B)(2) of

this section is made, or if the student and the student's family cease to continue making progress in improving the student's attendance, the attendance officer shall file a complaint in the juvenile court against the student.

A complaint filed in the juvenile court under division (B)(3) of this section shall allege that the child is an unruly child for being a habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.

Sec. 3321.19. (A) As used in this section and section ~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the same meaning as in section 2151.011 of the Revised Code.

(B) When a board of education of any city, exempted village, local, joint vocational, or cooperative education school district or the governing board of any educational service center determines that a student in its district has been truant and the parent, guardian, or other person having care of the child has failed to cause the student's attendance at school, the board may require the parent, guardian, or other person having care of the child pursuant to division (B) of this section to attend an educational program established pursuant to rules adopted by the department of education and workforce for the purpose of encouraging parental involvement in compelling the attendance of the child at school.

No parent, guardian, or other person having care of a child shall fail without good cause to attend an educational program described in this division if the parent, guardian, or other person has been served notice pursuant to division (C) of this section.

(C) On the request of the superintendent of schools, the superintendent of any educational service center, the board of education of any city, exempted village, local, joint vocational, or cooperative education school district, or the governing board of any educational service center or when it otherwise comes to the notice of the attendance officer or other appropriate officer of the school district, the attendance officer or other appropriate officer shall examine into any case of supposed truancy within the district and shall warn the child, if found truant, and the child's parent, guardian, or other person having care of the child, in writing, of the legal consequences of being truant. When any child of compulsory school age, in violation of law, is not attending school, the attendance or other appropriate officer shall notify the parent, guardian, or other person having care of that child of the fact, and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and~~, subject to divisions (D) and (E) of this section,~~ may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

~~(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance~~

~~at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.~~

~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~

~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~

Sec. 3321.191. (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends.

(B) Not later than August 1, 2026, the board of education of each school district shall adopt a policy to address student absences. In developing the policy, the board shall consult with the juvenile court of the county or counties in which the district is located; the parents, guardians, or other persons having care of a student attending school in the district; and appropriate state and local agencies.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Acknowledge that student absences from school for any reason, whether excused or unexcused, take away from instructional time and have an adverse effect on student learning;

(2) Identify strategies to prevent students from becoming chronically absent;

(3) Include procedures for notifying a student's parent, guardian, or custodian when the student has been absent from school for a number of hours determined by the board, which number shall not exceed five per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school the student attends;

(4) Establish a tiered system that provides more intensive interventions and supports for students with greater numbers of absences and includes resources to help students and their families address the root causes of the absences;

(5) Provide for one or more absence intervention teams to work with students at risk of becoming chronically absent and their families to improve the students' attendance at school;

(6) Prohibit suspending, expelling, or otherwise preventing a student from attending school based on the student's absences as prescribed by section 3313.668 of the Revised Code.

(D) The policy shall align with any other district or school improvement plan developed pursuant to state or federal law.

(E) A district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of the Revised Code~~,~~ that includes proof of receipt by the recipient and is sent by registered mail, regular mail with a certificate of mailing, electronic mail, text message, or other form of delivery ~~with proof of delivery, including electronic delivery and electronic proof of delivery,~~ is a legal notice.

Sec. 3321.22. ~~(A) Except as provided in division (B) of this section, if~~ If a complaint is filed against the parent, guardian, or other person in charge of a child for a failure to cause the child to attend school or a part-time school or class and if the parent, guardian, or other person proves an inability to do so, then the parent, guardian, or other person in charge of a child shall be discharged. Upon the discharge, the attendance officer shall file a complaint before the judge of the juvenile court of the county alleging that the child is a delinquent child, unruly child, or dependent child within the

meaning of section 2151.022, 2151.04, or 2152.02 of the Revised Code. The judge shall hear the complaint and if the judge determines that the child is a delinquent, unruly, or dependent child within one of those sections the judge shall deal with the child according to section 2151.35 or 2151.36 of the Revised Code.

~~(B) Division (A) of this section does not apply regarding a complaint filed under division (D) or (E) of section 3321.19 of the Revised Code or otherwise filed and alleging that a child is an habitual truant.~~

Sec. 3323.32. (A) The department of education and workforce shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the director of education and workforce in consultation with the director of children and youth and the advisory board established under section 3323.33 of the Revised Code.

When applicable, the department of children and youth shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the director of children and youth in consultation with the director of education and workforce and the advisory board established under section 3323.33 of the Revised Code.

~~The contract with the entity selected~~ Any contract entered into under this section shall include, but not be limited to, the following provisions:

(1) A description of the programs to be administered and services to be provided or coordinated by the entity, which shall include at least the duties prescribed by sections 3323.34 and 3323.35 of the Revised Code;

(2) A description of the expected outcomes from the programs administered and services provided or coordinated by the entity;

(3) A stipulation that the entity's performance is subject to evaluation by the contracting department and renewal of the entity's contract is subject to the department's satisfaction with the entity's performance;

(4) A description of the measures and milestones the contracting department will use to determine whether the performance of the entity is satisfactory;

(5) Any other provision the contracting department determines is necessary to ensure the quality of services to individuals with autism and low incidence disabilities.

(B) In selecting ~~the~~ an entity under division (A) of this section, the director of education and workforce, the director of children and youth, and the advisory board shall give primary consideration to the Ohio Center for Autism and Low Incidence, established under section 3323.31 of the Revised Code, as long as the principal goals and mission of the Center, as determined by the ~~director, the director,~~ directors and the advisory board, are consistent with the requirements of divisions (A)(1) to (5) of this section.

Sec. 3325.08. (A) A diploma shall be granted by the superintendent of Ohio deaf and blind education services to any student enrolled in the state school for the blind or the state

school for the deaf to whom all of the following apply:

(1) The student has successfully completed the curriculum in any high school or the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student.

(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

No diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of Ohio deaf and blind

education services shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in the state school for the blind or the state school for the deaf who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.

(3) Has met additional criteria for granting an honors diploma.

These additional criteria shall be the same as those prescribed by the ~~state board~~ department of education and workforce under division (B) of section 3313.61 of the Revised

Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the director of education and workforce and the superintendent of Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the superintendent of Ohio deaf and blind education services prescribes.

(D) Upon granting a diploma to a student under this section, the superintendent of Ohio deaf and blind education services shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.

Sec. 3325.16. There is hereby created in the state treasury the state school for the deaf educational program expenses fund. Moneys received by Ohio deaf and blind education services for the state school for the deaf from donations, bequests, student fundraising activities, fees charged for camps and workshops, gate receipts from athletic contests, and the student work experience program operated by the school, and any other moneys designated for deposit in the fund by the superintendent of Ohio deaf and blind education services, shall be credited to the fund. All investment earnings on money in the fund shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the department of

education and workforce is not required to designate money for deposit into the fund. Ohio deaf and blind education services shall use moneys in the fund for educational programs, after-school activities, and expenses associated with student activities and clubs at the state school for the deaf.

Sec. 3325.17. There is hereby created in the state treasury the state school for the blind educational program expense fund. Moneys received by Ohio deaf and blind education services for the state school for the blind from donations, bequests, student fundraising activities, fees charged for camps, workshops, and summer work and learn cooperative programs, gate receipts from school activities, and any other moneys designated for deposit in the fund by the superintendent of Ohio deaf and blind education services, shall be credited to the fund. All investment earnings on money in the fund shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the department of education and workforce is not required to designate money for deposit into the fund. Ohio deaf and blind education services shall use moneys in the fund for educational programs, after-school activities, and expenses associated with student activities at the state school for the blind.

Sec. 3326.092. (A) Each STEM school that serves students in grades six through twelve shall include in the school's curriculum annual developmentally appropriate, evidence-based instruction in mental health promotion and suicide prevention. Such instruction shall include information on the development and maintenance of positive mental health, stigma reduction, the signs and symptoms of depression, suicide, and self-harm, and seeking help for self and peers.

(B) For the instruction required under division (A) of this section, each STEM school shall select an evidence-based program approved by the department of education and workforce under section 3301.221 of the Revised Code. Prior to providing the instruction, the school shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from receiving the instruction.

Sec. 3326.093. (A) Each STEM school annually shall provide an evidence-based universal prevention program or practice in grades kindergarten through twelve that teaches students the necessary knowledge and skills to enhance health and wellness outcomes. Such instruction shall focus on enhancing interpersonal skills, encouraging healthy decision-making, and increasing resiliency.

(B) For the instruction required under division (A) of this section, the school shall select an evidence-based program or practice approved by the department of education and workforce under section 3301.221 of the Revised Code. Prior to providing the instruction, the school shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from receiving the instruction.

Sec. 3326.11. Each science, technology, engineering, and

mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3326.44. For fiscal years ~~2024~~ 2026 and ~~2025~~2027, a STEM school shall spend the funding it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

Sec. 3327.101. (A) Beginning July 1, 2026, any person employed as a school bus or motor van driver under section

3327.10 of the Revised Code shall complete six hours of in-service training annually. Not later than that date, the department of education and workforce shall develop a curriculum for the in-service training and shall approve providers of that curriculum.

(B) Notwithstanding anything to the contrary in this chapter or Chapter 3301-83 of the Administrative Code, the department ~~of education and workforce~~ shall develop an online bus driver training program, which may be used to satisfy the classroom portion of pre-service ~~and~~ training, the annual in-service training, and recertification training for school bus ~~driver certification~~drivers. On-the-bus training for drivers shall continue to be completed in person.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, and 5502.262, and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3333.04. The chancellor of higher education shall:

(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the

state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall hold at least one public hearing on the matter to determine whether the program should be recommended for

elimination. The chancellor shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date.

For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the chancellor may exclude students enrolled in any program that the chancellor has recommended for elimination pursuant to this division except that the chancellor shall not exclude any such student who enrolled in the program prior to the date on which the chancellor initially commences to exclude students under this division.

The chancellor and state colleges, universities, and other state-assisted institutions of higher education shall jointly develop a process for determining which existing graduate or professional programs constitute unnecessary duplication.

(G) Recommend to the state colleges, universities, and other state-assisted institutions of higher education programs which should be added to their present programs;

(H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education to assist them in making the best and most efficient use of their existing facilities and personnel;

(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact statement to the president of the senate, the speaker of the house of representatives, the legislative service commission, and the director of budget and management. The chancellor shall work in close cooperation with the director of budget and management in this respect and in all other matters concerning the expenditures of appropriated funds by state colleges, universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and trustees of both public and private colleges, universities, and other institutions of higher education in the state in performing the chancellor's duties and making the chancellor's

plans, studies, and recommendations;

(L) Appoint advisory committees consisting of persons associated with public or private secondary schools, members of the state board of education, or personnel of the department of education and workforce;

(M) Appoint advisory committees consisting of college and university personnel, or other persons knowledgeable in the field of higher education, or both, in order to obtain their advice and assistance in defining and suggesting solutions for the problems and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education.

When considering approval of a new degree or degree program for a state institution of higher education, as defined in section 3345.011 of the Revised Code, the chancellor shall take into account the extent to which the degree or degree program aligns with the state's workforce development priorities.

(O) Adopt such rules as are necessary to carry out the chancellor's duties and responsibilities. The rules shall prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted

under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the chancellor;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;

(5) A timeline for the process described in divisions (O)(1) to (4) of this section.

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(S) Conduct enrollment audits of state-supported institutions of higher education;

(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. ~~A consortium shall follow the rules of the college or university that serves as its fiscal agent.~~ The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O)(1) to (5) of this section.

A consortium shall follow the rules of the college or university that serves as its fiscal agent, except that when making a purchase with appropriated funds of any product that includes semiconductors, a consortium shall conduct the purchase in accordance with rules adopted by the director of administrative services under division (B) of section 125.09 of the Revised Code for giving preference to Buy Ohio products.

(U) Adopt rules establishing advisory duties and responsibilities of the department of higher education not otherwise prescribed by law;

(V) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

Sec. 3333.041. (A) On or before the last day of December of each year, the chancellor of higher education shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

(2) The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts;

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted;

(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

(3) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.

~~(4) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:~~

~~(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;~~

~~(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;~~

~~(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.~~

(B) On or before the fifteenth day of February of each year, the chancellor shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report concerning aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach

English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the chancellor shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this division applies, the chancellor shall report the data for a group of classes over a three-year period. In no case shall the report identify any individual graduate. The department of education and workforce shall share any data necessary for the report with the chancellor.

(C) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

Sec. 3333.0415. The chancellor of higher education, in collaboration with the department of education and workforce and the governor's office of workforce transformation, shall

establish the level of attainment necessary to achieve identified performance targets across a range of degrees and credentials.

Sec. 3333.0420. (A) As used in this section:

(1) "Contractual agreement" means a contract in which a state institution of higher education grants an unaccredited online program manager input on or authority over any of the following for an academic program:

(a) Curriculum development, design, or maintenance;

(b) Student assessment and grading;

(c) Course assessment;

(d) Admissions requirements;

(e) Appointment of faculty;

(f) Faculty assessment;

(g) Decision to award course credit or credential;

(h) Institutional governance.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Annually, each state institution of higher education shall report to the chancellor of higher education, in a form and manner determined by the chancellor, each contractual agreement the institution entered into in that year. The chancellor may request that a state institution provide the chancellor with all information concerning a contractual agreement, including a copy of the agreement.

(C) The chancellor may require each state institution to

submit a contractual agreement to the chancellor prior to the execution of the agreement for a review to ensure compliance with the standards and procedures for academic program approval.

(D) A state institution shall include in each contractual agreement a provision that requires the institution to maintain responsibility for and oversight of the academic program as specified in the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. The state institution shall ensure each academic program is offered in the manner approved by the chancellor or formally shall request approval of a significant change to a previously approved program or approval of a new academic program.

(E) A state institution that enters a contractual agreement shall notify students which parties are providing instruction, recruitment, and other services under the agreement.

(F) A state institution shall not enter a contractual agreement unless the agreement includes a provision that grants the chancellor the authority to invalidate the contract if the contract was not approved by the chancellor or if the chancellor determines the agreement is not in compliance with the standards and procedures for academic program approval. If the chancellor invalidates a contract, the state institution shall not enroll new students and shall offer each current student either remediated instruction at no cost to the student or a full refund on tuition.

Sec. 3333.071. Notwithstanding section 3345.16 of the Revised Code, no expenditure shall be made for land for higher education purposes by public institutions of higher education or agents of such institutions from any fund without the approval

of the chancellor of higher education and the controlling board. No state appropriation for capital improvements shall be ~~released by the controlling board~~ expended for the purchase of land or buildings from any organization or corporation which has been established to benefit or assist the institution, except that such ~~releases~~ expenditure may be made if the land is to be used for a currently state-financed improvement.

Sec. 3333.074. (A) Each state institution of higher education, as defined in section 3345.011 of the Revised Code, annually shall submit, in a form and manner determined by the chancellor of higher education, the following information to assess the performance and compliance of the state institution:

(1) Verification of current accreditation status and a copy of the state institution's most recent higher learning commission institutional update report;

(2) A plan to preserve student records indefinitely in the event of closure of the state institution or discontinuation of service. The plan shall include a method by which students and alumni of the state institution may retrieve student records by request. The plan shall also include a designation and signed confirmation of an official custodian of student records. Student records preserved under the plan shall include, but not be limited to:

(a) Academic transcripts;

(b) Financial aid documents;

(c) International student forms;

(d) Tax information.

(3) The results of any external degree program evaluations

conducted in the last year;

(4) A list of any degree programs that have been eliminated in the last year;

(5) Any other information requested by the chancellor.

(B) The chancellor may rescind program approval if a state institution of higher education fails to submit the information required under division (A) of this section or if the chancellor finds that the information submitted under that division is insufficient.

(C) Each state institution of higher education shall immediately inform the chancellor if the state institution does any of the following:

(1) Receives notice from the federal government or an institutional accrediting organization that the state institution is subject to heightened reporting standards or special monitoring status, such as the United States department of education's heightened cash monitoring process;

(2) Receives preliminary or final accreditation findings;

(3) Becomes the subject of an investigation by a government agency related to the institution's academic quality, financial stability, or student consumer protection;

(4) Requests an advance of a state subsidy;

(5) Fails to make any payments to applicable retirement systems, such as the public employees retirement system or the state teachers retirement system;

(6) Fails to make any scheduled payroll payments;

(7) Fails to make any payments to vendors when due as a

result of a cash deficiency or a substantial deficiency in the payment processing system of the state institution;

(8) Fails to make any scheduled payment of principal or interest for short- or long-term debt;

(9) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;

(10) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.

(D) A document received by the chancellor under division (C)(1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity.

Sec. 3333.129. (A) The "Teach CS" grant program is established to ~~fund coursework, materials, and exams to~~ support ~~the~~ increasing the number of ~~existing~~Ohio teachers who qualify to teach computer science, or expand the knowledge of existing teachers, through all of the following:

(1) A supplemental license that involves a mentorship-based pathway for existing teachers;

(2) A university endorsement program that involves a coursework-based path for existing teachers;

(3) An alternative resident educator licensure pathway for industry experts and other nonteachers;

(4) A continuing education program that offers professional development to existing teachers, including those that teach pre-kindergarten to twelve who are generalists and

those seeking advanced content knowledge.

The chancellor of higher education shall administer the program. Funds may be spent on coursework, materials, exams, teacher stipends, performance-based incentives, and for other purposes as determined by the chancellor to support the expansion of computer science education.

(B) The chancellor, in consultation with the department of education and workforce, shall develop an application process and criteria for awards. Priority may be given to education consortia that include economically disadvantaged schools in which there are limited computer science courses offered or where there is an unmet need for teachers credentialed to teach computer science courses, as determined by the chancellor.

Sec. 3333.164. (A) As used in this section~~, "state~~ :

(1) "Armed forces" has the same meaning as in section 3313.471 of the Revised Code.

(2) "Private institution of higher education" has the same meaning as in section 5919.34 of the Revised Code.

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) ~~Not later than December 31, 2014, the~~ The chancellor of higher education shall do all of the following with regard to the awarding of college credit for military training, experience, and coursework:

(1) Develop a set of standards and procedures for state institutions of higher education to utilize in the granting of college credit for military training, experience, and coursework;

(2) Create a military articulation and transfer assurance guide for college credit that is earned through military training, experience, and coursework. The chancellor shall use the current articulation and transfer policy adopted pursuant to section 3333.16 of the Revised Code as a model in developing this guide.

(3) Create a web site that contains information related to the awarding of college credit for military training, experience, and coursework. The web site shall include both of the following:

(a) Standardized resources that address frequently asked questions regarding the awarding of such credit and related issues;

(b) A statewide database that shows how specified military training, experience, and coursework translates to college credit.

(4) Develop a statewide training program that prepares faculty and staff of state institutions of higher education to evaluate various military training, experience, and coursework and to award appropriate equivalent credit. The training program shall incorporate the best practices of awarding credit for military experiences, including both the recommendations of the American council on education and the standards developed by the council for adult and experiential learning.

(C) ~~Beginning on July 1, 2015, state~~ State institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the chancellor pursuant to this section.

(D) Notwithstanding any provision of law to the contrary, the chancellor may require a state institution of higher education or a private institution of higher education to establish a process to systematically evaluate military training, experience, and coursework and to award appropriate equivalent college credit to a student who is a veteran of the armed forces. The chancellor may adopt rules to implement this division.

Sec. 3333.24. (A) As used in this section:

(1) "Eligible student" means a student to whom all of the following apply:

(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.

(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded.

(c) The student enrolls in a qualified program at a community, state community, or technical college, an Ohio technical center, or a state university branch campus.

(2) "Qualified program" means either of the following:

(a) For a student who received a first-time grant under this section prior to the effective date of this amendment, a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:

~~(a)~~ (i) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation.

~~(b)~~ (ii) It is submitted by a community, state community, or technical college, an Ohio technical center, or a state university branch campus and will meet regional workforce needs, as approved by the chancellor.

(b) For a student who receives a first-time grant under this section on or after the effective date of this amendment, a program that meets alternative criteria established by the chancellor of higher education, in consultation with the office of workforce transformation, based on the emerging workforce needs of the state.

(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.

(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments.

(D)(1) The program shall be funded in the sums and manner designated for such purpose by the general assembly, but the chancellor also may receive funds from other sources to support the program.

(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor may establish different grant

amounts based on the number of applicants and the total amount of funds set aside for that purpose.

(E) The chancellor, in consultation with the providers of qualified programs, shall collect and report program metrics that include all of the following:

(1) Demographics of recipients, including:

(a) Age, disaggregated as follows:

(i) Twenty-four years and younger;

(ii) Twenty-five to thirty-four years;

(iii) Thirty-five to forty-nine years;

(iv) Fifty years and older.

(b) Gender;

(c) Race and ethnicity;

(d) Enrollment status as full- or part-time;

(e) Pell grant status.

(2) Success rates of recipients, including program retention and completion;

(3) Total number of industry-recognized credentials, including technician-aligned associate degrees, awarded, disaggregated by subject or program area.

Sec. 3333.96. (A) The strategic square footage reduction fund is created in the state treasury. The fund shall consist of money credited or transferred to it and grants, gifts, and contributions made directly to it. In addition to any such money, gift, or contribution, funds may be transferred from the Ohio tuition trust fund to the strategic square footage

reduction fund, in accordance with division (B) of section 3334.12 of the Revised Code.

(B) The strategic square footage reduction fund shall be used to make revolving loans to state institutions of higher education, as defined in section 3345.011 of the Revised Code, that enable the voluntary reduction of physical square footage.

(C) The chancellor of higher education shall administer and award, in consultation with the Ohio facilities construction commission, the revolving loans described in division (B) of this section. The chancellor, in consultation with the commission, shall establish all of the following:

(1) Procedures and forms by which state institutions of higher education may apply for a loan;

(2) A competitive process for ranking applicants and awarding the loans, with priority consideration given to state institutions of higher education that have experienced a decrease in their general student populations, as determined by the chancellor;

(3) Procedures and timelines for distributing loans and collecting payments for the strategic square footage reduction fund.

(D) Each state institution of higher education shall include in its application all of the following:

(1) The extent to which the square footage may have value if sold or reallocated to serve other purposes, which may include kindergarten through twelve, career-technical, or adult educational purposes, community interests, or business and industry partnerships;

(2) The relative age and condition of the facilities to be deconstructed;

(3) Historical enrollment patterns as well as future enrollment projections;

(4) The composition of classes offered in person versus in an online format;

(5) The level of deferred maintenance;

(6) The prior level of state investment;

(7) The amount of annual operating expenses defrayed by eliminating the square footage;

(8) A report from the office of budget and management detailing the extent and the status of past capital budget appropriations supporting the project and the existence of any outstanding bonded debt derived from such support.

The chancellor and the Ohio facilities construction commission shall consider the information supplied under this division in making final awards.

(E) Each state institution of higher education that receives a loan under this section annually shall certify to the chancellor, on a date and in such form and manner as prescribed by the chancellor, a summary of financial information regarding the loan.

(F) Prior to a state institution using the loan to pay the demolition costs of a facility, the following shall occur:

(1) The board of trustees of that institution shall adopt a resolution approving the demolition.

(2) Notwithstanding anything to the contrary in the

Revised Code, any net proceeds received from any demolition of real property made pursuant to this section shall, at the direction of the director of budget and management, be credited to a fund or funds in the state treasury, or to accounts held by the state institution of higher education for purposes to be determined by that institution.

(G) Each state institution of higher education receiving loans under this section shall not construct any new facility during the time period in which demolition is occurring.

Sec. 3334.11. (A) The assets of the Ohio tuition trust authority reserved for payment of the obligations of the authority pursuant to tuition payment contracts shall be placed in a fund, which is hereby created and shall be known as the Ohio tuition trust fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. That portion of payments received by the authority or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the authority determines is actuarially necessary for the payment of obligations of the authority pursuant to tuition payment contracts, all interest and investment income earned by the fund, and all other receipts of the authority from any other source that the authority determines appropriate, shall be deposited in the fund. No purchaser or beneficiary of tuition units shall have any claim against the funds of any state institution of higher education. All investment fees and other costs incurred in connection with the exercise of the investment powers of the authority pursuant to divisions (D) and (E) of this section shall be paid from the assets of the fund.

(B) Unless otherwise provided by the authority, the assets

of the Ohio tuition trust fund shall be expended in the following order:

(1) To make payments to beneficiaries, or institutions of higher education on behalf of beneficiaries, under division (B) of section 3334.09 of the Revised Code;

(2) To make refunds as provided in divisions (A) and (C) of section 3334.10 of the Revised Code;

(3) To pay the investment fees and other costs of administering the fund.

(C)(1) Except as may be provided in an agreement under division (A)(19) of section 3334.08 of the Revised Code, all disbursements from the Ohio tuition trust fund shall be made by the treasurer of state on order of a designee of the authority.

(2) The treasurer of state shall deposit any portion of the Ohio tuition trust fund not needed for immediate use in the same manner as state funds are deposited.

(D) The authority is the trustee of the Ohio tuition trust fund. The authority shall have full power to invest the assets of the fund and in exercising this power shall be subject to the limitations and requirements contained in divisions (K) to (M) of this section and sections 145.112 and 145.113 of the Revised Code. The evidences of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. Assets of the fund shall be administered by the authority in a manner designed to be actuarially sound so that the assets of the fund will be sufficient to satisfy the obligations of the authority pursuant to tuition payment contracts and defray the reasonable expenses

of administering the fund.

(E) The authority may enter into an agreement with any business, entity, or governmental agency to perform the investment duties of the authority as set forth in division (D) of this section. The investment powers shall be exercised by the business, entity, or governmental agency that entered into an agreement with the authority in a manner agreed upon by the authority that maximizes the return on investment and minimizes the administrative expenses.

(F)(1) The authority shall maintain a separate account for each tuition payment contract entered into pursuant to division (A) of section 3334.09 of the Revised Code for the purchase of tuition units on behalf of a beneficiary or beneficiaries showing the beneficiary or beneficiaries of that contract and the number of tuition units purchased pursuant to that contract. Upon request of any beneficiary or person who has entered into a tuition payment contract, the authority shall provide a statement indicating, in the case of a beneficiary, the number of tuition units purchased on behalf of the beneficiary, or in the case of a person who has entered into a tuition payment contract, the number of tuition units purchased, used, or refunded pursuant to that contract. A beneficiary and person that have entered into a tuition payment contract each may file only one request under this division in any year.

(2) The authority shall maintain an account for each scholarship program showing the number of tuition units that have been purchased for or donated to the program and the number of tuition units that have been used. Upon the request of the entity that established the scholarship program, the authority shall provide a statement indicating these numbers.

(G)(1) In addition to the Ohio tuition trust fund, there is hereby established a reserve fund that shall be in the custody of the treasurer of state but shall not be part of the state treasury, and shall be known as the Ohio tuition trust reserve fund, and an operating fund that shall be part of the state treasury, and shall be known as the Ohio tuition trust operating fund. That portion of payments received by the authority or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the authority determines is not actuarially necessary for the payment of obligations of the authority pursuant to tuition payment contracts, any interest and investment income earned by the reserve fund, any administrative charges and fees imposed by the authority on transactions under this chapter or on purchasers or beneficiaries of tuition units, and all other receipts from any other source that the authority determines appropriate, shall be deposited in the reserve fund to pay the operating expenses of the authority and the costs of administering the program. The assets of the reserve fund may be invested in the same manner and subject to the same limitations set forth in divisions (D), (E), and (K) to (M) of this section and sections 145.112 and 145.113 of the Revised Code. All investment fees and other costs incurred in connection with the exercise of the investment powers shall be paid from the assets of the reserve fund. Except as otherwise provided for in this chapter, all operating expenses of the authority and costs of administering the program shall be paid from the operating fund.

(2) The treasurer of state shall, upon request of the authority, transfer funds from the reserve fund to the operating fund as the authority determines appropriate to pay those current operating expenses of the authority and costs of

administering the program as the authority designates. Any interest or investment income earned on the assets of the operating fund shall be deposited in the operating fund.

(3) The treasurer of state shall, upon request by the chancellor of higher education and approval by the director of budget and management, transfer funds from the reserve fund to the strategic square footage reduction fund created under section 3334.13 of the Revised Code.

(H) In January of each year the authority shall report to each person who received any payments or refunds from the authority during the preceding year information relative to the value of the payments or refunds to assist in determining that person's tax liability.

(I) The authority shall report to the tax commissioner any information, and at the times, as the tax commissioner requires to determine any tax liability that a person may have incurred during the preceding year as a result of having received any payments or refunds from the authority.

(J) All records of the authority indicating the identity of purchasers and beneficiaries of tuition units or college savings bonds, the number of tuition units purchased, used, or refunded under a tuition payment contract, and the number of college savings bonds purchased, held, or redeemed are not public records within the meaning of section 149.43 of the Revised Code.

(K)(1) The authority and other fiduciaries shall discharge their duties with respect to the funds with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar

with such matters would use in the conduct of an enterprise of a like character and with like aims; and by diversifying the investments of the assets of the funds so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

(2) To facilitate investment of the funds, the authority may establish a partnership, trust, limited liability company, corporation, including a corporation exempt from taxation under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as amended, or any other legal entity authorized to transact business in this state.

(L) In exercising its fiduciary responsibility with respect to the investment of the assets of the funds, it shall be the intent of the authority to give consideration to investments that enhance the general welfare of the state and its citizens where the investments offer quality, return, and safety comparable to other investments currently available to the authority. In fulfilling this intent, equal consideration shall also be given to investments otherwise qualifying under this section that involve minority owned and controlled firms and firms owned and controlled by women, either alone or in joint venture with other firms.

The authority shall adopt, in regular meeting, policies, objectives, or criteria for the operation of the investment program that include asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines. In adopting policies and criteria for the selection of agents with whom the authority may contract for the administration of the assets of the funds, the authority shall give equal consideration to

minority owned and controlled firms, firms owned and controlled by women, and ventures involving minority owned and controlled firms and firms owned and controlled by women that otherwise meet the policies and criteria established by the authority. Amendments and additions to the policies and criteria shall be adopted in regular meeting. The authority shall publish its policies, objectives, and criteria under this provision no less often than annually and shall make copies available to interested parties.

When reporting on the performance of investments, the authority shall comply with the performance presentation standards established by the association for investment management and research.

(M) All investments shall be purchased at current market prices and the evidences of title of the investments shall be placed in the hands of the treasurer of state, who is hereby designated as custodian thereof, or in the hands of the treasurer of state's authorized agent. The treasurer of state or the agent shall collect the principal, dividends, distributions, and interest thereon as they become due and payable and place them when so collected into the custodial funds.

The treasurer of state shall pay for investments purchased by the authority on receipt of written or electronic instructions from the authority or the authority's designated agent authorizing the purchase and pending receipt of the evidence of title of the investment by the treasurer of state or the treasurer of state's authorized agent. The authority may sell investments held by the authority, and the treasurer of state or the treasurer of state's authorized agent shall accept payment from the purchaser and deliver evidence of title of the

investment to the purchaser on receipt of written or electronic instructions from the authority or the authority's designated agent authorizing the sale, and pending receipt of the moneys for the investments. The amount received shall be placed in the custodial funds. The authority and the treasurer of state may enter into agreements to establish procedures for the purchase and sale of investments under this division and the custody of the investments.

No purchase or sale of any investment shall be made under this section except as authorized by the authority.

Any statement of financial position distributed by the authority shall include fair value, as of the statement date, of all investments held by the authority under this section.

Sec. 3334.12. Notwithstanding anything to the contrary in sections 3334.07 and 3334.09 of the Revised Code:

(A) Annually, the Ohio tuition trust authority shall have the actuarial soundness of the Ohio tuition trust fund evaluated by a nationally recognized actuary and shall determine whether additional assets are necessary to defray the obligations of the authority. If, after the authority sets the price for tuition units, circumstances arise that the executive director determines necessitate an additional evaluation of the actuarial soundness of the fund, the executive director shall have a nationally recognized actuary conduct the necessary evaluation. If the assets of the fund are insufficient to ensure the actuarial soundness of the fund, the authority shall adjust the price of subsequent purchases of tuition units to the extent necessary to help restore the actuarial soundness of the fund. If, at any time, the adjustment is likely, in the opinion of the authority, to diminish the marketability of tuition units to an

extent that the continued sale of the units likely would not restore the actuarial soundness of the fund and external economic factors continue to negatively impact the soundness of the program, the authority may suspend sales, either permanently or temporarily, of tuition units. During any suspension, the authority shall continue to service existing college savings program accounts.

(B) The treasurer of state shall, upon request by the chancellor of higher education, transfer the amount determined to be surplus from the annual evaluation as to the actuarial soundness of the fund to the strategic square footage fund created under section 3334.13 of the Revised Code, provided that at least five per cent of the amount determined to be surplus remains in the Ohio tuition trust fund.

(C) Upon termination of all programs or liquidation of the Ohio tuition trust fund, the Ohio tuition trust reserve fund, and the Ohio tuition trust operating fund, any remaining assets of the funds after all obligations of the funds have been satisfied pursuant to division (B) of section 3334.11 of the Revised Code shall be transferred to the general revenue fund of the state.

~~(C)~~ (D) The authority shall prepare and cause to have audited an annual financial report on all financial activity of the Ohio tuition trust authority within ninety days of the end of the fiscal year. The authority shall transmit a copy of the audited financial report to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives. Copies of the audited financial report also shall be made available, upon request, to the persons entering into contracts

with the authority and to prospective purchasers of tuition units and prospective contributors to variable college savings program accounts.

Sec. 3345.033. (A) As used in this section:

"Rule" includes the enactment of a new rule or the amendment or rescission of an existing rule.

"State institution of higher education" means a state university identified in section 3345.011 of the Revised Code, the northeast Ohio medical university, or a community college, state community college, or technical college.

(B) When a state institution of higher education adopts a rule, the state institution of higher education shall post the rule on its web site~~, and the director of the legislative service commission shall publish or cause publication of the rule in the register of Ohio and in any electronic Administrative Code published by or under contract with the director. The state institution of higher education also electronically shall file a copy of the rule with the joint committee on agency rule review. The rule is not subject to review by the joint committee. But the joint committee shall accommodate the rule to the rule watch system~~.

(C) A state institution of higher education shall maintain the posting of its rules on its web site, ~~and~~ periodically shall verify the posting, and annually submit an electronic copy of all effective rules to the chancellor of higher education, the chairperson of the senate committee that primarily deals with higher education, and to the chairperson of the committee of the house of representatives that primarily deals with higher education. Upon receiving an electronic copy of a rule or

failing to receive an electronic copy of a rule, the chairpersons of the legislative committees that primarily deal with higher education may hold a hearing and require that a representative of the state institution of higher education provide testimony regarding the rule. A state institution of higher education is not entitled to rely on a rule that is not currently posted on its web site.

(D) A rule posted on a state institution of higher education's web site in accordance with this section is not subject to review by the joint committee on agency rule review. Such a rule is not subject to section 111.15 or 119.03 of the Revised Code unless the law requiring or permitting the rule to be adopted requires the rule to be adopted under either of those sections.

Sec. 3345.06. As used in this section, "state institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

~~(A)~~ (A)(1) Subject to divisions (B) and (C) of this section, a graduate of the twelfth grade shall be entitled to admission without examination to any ~~college or university which is supported wholly or in part by the state~~state institution of higher education, but for unconditional admission may be required to complete such units not included in the graduate's high school course as may be prescribed, not less than two years prior to the graduate's entrance, by the faculty of the institution.

(2) Subject to divisions (B) and (C) of this section, each graduate of the twelfth grade who is in the top ten per cent of a graduating class as determined by the chancellor of higher education shall be entitled to admission to any state

institution of higher education. If the student does not meet the standards for unconditional admission under division (A) of this section, a state university may delay main campus admission and admit the student to a university branch campus.

(3) Subject to divisions (B) and (C) of this section, each recipient of the governor's merit scholarship shall be entitled to admission to the main campus of a state institution of higher education.

(B) Beginning with the 2014-2015 academic year, each state university ~~listed in section 3345.011 of the Revised Code~~, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit

that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B)(1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section at any post-secondary institution or at a summer program at the state university. A state university may admit a person for enrollment contingent upon completion of such topics or courses or summer program.

(3) The person met the high school graduation requirements by successfully completing the person's individualized education program developed under section 3323.08 of the Revised Code.

(4) The person is receiving or has completed the final year of education at home as authorized under section 3321.042 of the Revised Code, or has graduated from a nonchartered, nonpublic school in Ohio, and demonstrates mastery of the academic content and skills in reading, writing, and mathematics needed to successfully complete introductory level coursework at an institution of higher education and to avoid remedial coursework.

(5) The person is a high school student participating in the college credit plus program under Chapter 3365. of the Revised Code or another advanced standing program.

(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an

undergraduate student who has successfully completed the requirements prescribed in division (C) of section 3313.603 of the Revised Code if the university determines the student requires academic remedial or developmental coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college.

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

Sec. 3345.14. (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of

such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university shall adopt rules ~~in accordance with section 111.15 of the Revised Code~~ that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial

interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or other association as described in division (D)(1) of this section;

(b) A requirement that all disclosures made under division (D)(2)(a) of this section are reviewed by officials designated by the college or university board of trustees. The officials designated under this division shall determine the information that shall be disclosed and safeguards that shall be applied in order to manage, reduce, or eliminate any actual or potential conflict of interest.

(c) A requirement that in implementing division (D) of this section all members of the college or university board of trustees shall be governed by Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code.

(d) Guidelines to ensure that any financial interest held by any employee of the college or university does not result in misuse of the students, employees, or resources of the college or university for the benefit of the firm, corporation, or other association in which such interest is held or does not otherwise interfere with the duties and responsibilities of the employee

who holds such an interest.

(3) Rules established under division (D)(1) of this section may include other provisions at the discretion of the college or university board of trustees.

(E) Notwithstanding division (D) of this section, the Ohio ethics commission retains authority to provide assistance to a college or university board of trustees in the implementation of division (D)(2) of this section and to address any matter that is outside the scope of the exception to division (B) of this section as set forth in division (D) of this section or as set forth in rules established under division (D) of this section.

Sec. 3345.57. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) A state institution of higher education may establish a program under which an employee of the institution may donate that employee's accrued but unused paid leave to another employee of the institution who has no accrued but unused paid leave and who has a critical need for it because of circumstances such as a serious illness or the serious illness of a member of the employee's immediate family. If a state institution of higher education establishes a leave donation program under this section, the institution shall adopt rules ~~in accordance with section 111.15 of the Revised Code~~ to provide for the administration of the program. These rules shall include, but not be limited to, provisions that identify the circumstances under which leave may be donated and that specify the amount, types, and value of leave that may be donated.

Sec. 3345.601. Each state institution of higher education,

as defined in section 3345.011 of the Revised Code, annually shall certify to the chancellor of higher education, on a date and in the form and manner determined by the chancellor, a plan to preserve student records indefinitely if the state institution was to cease operations. The plan shall include the designation and signed confirmation of an official custodian of student records. If the chancellor determines it necessary, the chancellor may require a state institution to produce an executed agreement with the designated custodian of student records, paid in full, to ensure the state institution's plan can be implemented.

The chancellor may consult with the higher learning commission, the state board of career colleges and schools, and other appropriate entities to establish plans, processes, and procedures for state institutions to provide indefinite access to student records.

Sec. 3345.69. (A) As used in this section:

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(2) "Board of trustees of a state institution of higher education" has the same meaning as in section 3345.61 of the Revised Code.

(B) The chairperson of the interuniversity council of Ohio and the secretary of the Ohio association of community colleges shall assist in coordinating the organization and operation of a committee to carry out this section. The committee shall be comprised of the presidents of the state institutions of higher education or their designees. The committee, in consultation with the Ohio facilities construction commission, shall develop

guidelines for the board of trustees of each state institution of higher education to use in ensuring energy efficiency and conservation in on- and off-campus buildings. At a minimum, guidelines under this section shall do all of the following:

(1) Include a goal to reduce on- and off-campus building energy consumption by at least twenty per cent by 2014, using calendar year 2004 as the benchmark year, while recognizing the diverse nature and different energy demands and uses of such buildings and measures already taken to increase building energy efficiency and conservation;

(2) Prescribe minimum energy efficiency and conservation standards for any new, on- or off-campus capital improvement project with a construction cost of one hundred thousand dollars or more, which standards shall be based on general building type and cost-effectiveness;

(3) Prescribe minimum energy efficiency and conservation standards for the leasing of an off-campus space of at least twenty-thousand square feet;

(4) Incorporate best practices into energy efficiency and conservation standards and plans;

(5) Provide that each board develop its own fifteen-year plan for phasing in energy efficiency and conservation projects;

(6) Provide that project impact assessments include the fiscal effects of energy efficiency and conservation recommendations and plans;

(7) Establish mechanisms for each board to report periodically to the committee on its progress relative to the guidelines.

(C) The board of trustees of a state institution of higher education shall adopt rules ~~under section 111.15 of the Revised Code~~ to carry out the guidelines established pursuant to division (B) of this section, including in the execution of the board's authority under sections 3345.62 to 3345.66 of the Revised Code.

Sec. 3345.691. A state institution of higher education, as defined in section 3345.011 of the Revised Code, shall comply with section ~~125.092~~ 125.091 of the Revised Code regarding the purchase of biobased products.

Sec. 3345.692. (A) Not later than September 15, 2010, and the fifteenth day of September each year thereafter, a state institution of higher education shall prepare and submit to the chancellor of higher education a report that describes the number and types of biobased products purchased under section ~~125.092~~ 125.091 of the Revised Code and the amount of money spent by the state institution of higher education for those biobased products.

(B) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.71. As used in sections 3345.72 to 3345.77 of the Revised Code:

(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

(B) "Fiscal caution" means the existence of a fiscal caution declared under section 3345.721 of the Revised Code.

(C) "Fiscal watch" means the existence of a fiscal watch declared under section 3345.72 of the Revised Code.

Sec. 3345.721. (A) The chancellor of higher education, in consultation with the office of budget and management, shall adopt rules in accordance with section 111.15 of the Revised Code that include all of the following:

(1) Criteria for determining when to review and, if necessary, declare a state university or college under fiscal caution. The criteria may include, but not be limited to, consideration of the following:

(a) A significant drop in enrollment from the prior year;

(b) A decline in enrollment for consecutive years;

(c) A significant increase in enrollment;

(d) A significant increase in adjunct faculty;

(e) An increase in student complaints;

(f) An increase in the number of or a notable presence of third-party providers, which may include online program managers;

(g) Federal financial aid processing delays;

(h) Reduced or increased reliance on state share of instruction;

(i) Receipt of substantial nonrecurring revenue, from any source, that could signify a structural budget deficit;

(j) A delay in completing a yearly audit even if granted

an extension;

(k) A lack of proper institutional segregation of critical duties, functions, or responsibilities;

(l) Significant turnover of faculty, staff, or administrators.

(2) A requirement that a state university or college declared to be on fiscal caution shall submit a financial recovery plan, within a defined period of time after the declaration as determined by the chancellor, that may include, but is not limited to, any of the following:

(a) Projections of revenues and expenditures over a three-year time horizon and on such other time horizons as may be requested by the chancellor;

(b) A comprehensive review of current staffing levels and a five-year historical summary of staffing levels;

(c) A review of the most recent submission of institutional recommendations for courses and programs based on enrollment and duplication with other state institutions of higher education, as required by section 3345.35 of the Revised Code, and submission of revised recommendations as determined to be necessary;

(d) A review of any approved tuition waivers or scholarship programs;

(e) A plan to reduce expenditures over a six-month, twelve-month, eighteen-month, and twenty-four-month period, as necessary, to align ongoing revenue with ongoing expenses;

(f) A review of contracts that are the largest portion of the state university's or college's expenditures;

(g) A program viability analysis, or analyses, as determined by the chancellor to be necessary in accordance with section 3333.073 of the Revised Code.

(3) A requirement that a state university or college declared to be on fiscal caution shall submit a three-year forecast of revenues and expenditures, approved in a resolution adopted by the board of trustees of the state university or college. The three-year forecast shall be structurally balanced based on a set of underlying assumptions, including enrollment projections, tuition revenue, and state funding levels, that are evidence-based and practicable;

(4) A requirement that a state university or college declared to be on fiscal caution shall consult with the auditor of state regarding any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the state university or college into compliance with requirements prescribed by the auditor of state regarding desirable modifications and supplementary systems and procedures pertinent to the university or college. The auditor of state shall provide a written report to the board of trustees of the state university or college outlining the nature of the financial accounting and reporting problems of the university or college and recommendations for actions to be undertaken to correct the financial accounting and reporting problems. If requested by the state university or college or recommended by the chancellor, the auditor of state may additionally perform a performance audit of the state university or college.

(5) A requirement that for the duration of a fiscal caution, a state university or college shall submit regular reports on any of the above matters or new matters identified by

the auditor of state or the chancellor as contributing to the reason for the declaration, preventing the recovery of the state university or college, or the inability to be removed from fiscal caution.

(6) Criteria for determining when to declare the termination of the fiscal caution of a state university or college.

(B) A state university or college shall provide the chancellor with all information requested under this section in the time and manner determined by the chancellor. Notwithstanding any law to the contrary, failure to comply in a satisfactory manner, as determined by the chancellor, may result in a declaration of fiscal watch under section 3345.72 of the Revised Code.

(C) Notwithstanding any law to the contrary, the chancellor may impose limitations on a state university or college that fails to comply with this section or the rules adopted pursuant to this section or fails to take decisive action to improve the state university's or college's financial condition. Such limitations may include, but are not limited to, the following:

(1) Limitations on eligibility to participate in grants and programs administered by the chancellor;

(2) Limitations on approval of a new degree program or associated certificates;

(3) Suspension of additional enrollment in an educational program;

(4) Restriction of an increase in any special fee or a creation of a new fee;

(5) Limitations on the power of the board of trustees to enter into new or renewed contracts without prior approval from the chancellor;

(6) Withholding approval of any controlling board request for capital projects.

Sec. 3345.74. (A) The chancellor of higher education at least annually shall apply the indicators and standards adopted under division (A) of section 3345.73 of the Revised Code to determine whether a state university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant the appointment of a conservator under this section or if the board of trustees of a state university or college has taken any action related to pausing or stopping enrollment, submitted a withdrawal of accreditation, or taken any other action indicating it will no longer offer educational activity or will undergo a wind down and dissolution of existence. Upon making a determination that appointment of a conservator is warranted, the chancellor shall request from the office of budget and management, which shall provide, certification that sufficient fiscal difficulties exist to warrant appointment of a conservator. The chancellor shall then certify this determination to the governor.

Notwithstanding section 3333.021 of the Revised Code, that section does not apply to certification by the chancellor under this section or to the declaration of a fiscal watch under section 3345.72 of the Revised Code.

A determination by the chancellor under this division that sufficient fiscal difficulties exist or do not exist to warrant appointing a conservator is final and conclusive and not appealable.

(B) The governor may appoint a conservator for any state university or college under a fiscal watch, upon certification by the chancellor under division (A) of this section that the appointment is warranted. The governor shall consult with the speaker and minority leader of the house of representatives and the president and minority leader of the senate before making the appointment. From the time a conservator is appointed until the time the governor issues an order terminating the governance authority under division (B) of section 3345.76 of the Revised Code, the governor may remove any member of the board of trustees of the state university or college from office and not fill the vacancy.

(C) Upon appointment of a conservator under this section for a state university or college, all of the following shall occur effective immediately:

(1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended;

(2) The management and control of the state university or college is assumed by the conservator;

(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to

the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator.

(5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college;

(6) All authority and duties of the president or chief executive officer, and the pay of the president or chief executive officer, are suspended.

(D) The conservator for a state university or college shall conduct a preliminary performance evaluation of the president or chief executive officer of the university or college and provide a copy of findings and any recommendations to the governance authority established for the university or college under section 3345.75 of the Revised Code.

(E) A conservator appointed under this section shall be immune, indemnified, and held harmless from civil liability, including any cause of action, legal, equitable, or otherwise, for any action taken or duties performed by the conservator in good faith and in furtherance of the performance of the duties of the conservator under this section.

(F) The governor shall set the compensation for a

conservator appointed for a state university or college. The expenses and compensation of the conservator and others employed by the conservator shall be paid out of the operating funds and revenues of that university or college.

Sec. 3345.75. (A) Not later than thirty days after the date of the appointment of a conservator for a state university or college under section 3345.74 of the Revised Code, the governor shall appoint, with the advice and consent of the senate, a governance authority for the university or college consisting of five members, of which one shall have expertise in academic affairs and accreditation and one shall have expertise in either state agency budgets or state university or college finances. The members shall serve at the pleasure of the governor and any vacancies shall be filled in the same manner as an original appointment.

The governor shall designate one of the members of the governance authority as the chairperson and shall call the first meeting of the authority. A majority of the members of a governance authority constitutes a quorum and the affirmative vote of a majority of the members shall be necessary for any action taken by an authority. Meetings of a governance authority shall be called in the manner and at the times prescribed by the authority, but the authority shall meet at least four times annually and at other times necessary for the best interest of the university or college. A governance authority may adopt procedures for the conduct of its business.

The members of a governance authority shall not receive compensation for their services, but shall be paid their reasonable and necessary expenses while engaged in the discharge of their official duties.

(B)(1) A governance authority established under this section shall appoint an executive director who shall serve at the pleasure of the authority and with the compensation and other terms and conditions established by it. With the approval of the chairperson of the authority, the executive director may appoint additional personnel as the director considers appropriate. The executive director shall oversee the day-to-day operation of the university or college under the direction and supervision of the authority.

(2) The governance authority shall conduct a final performance evaluation of the president or chief executive officer of the university or college. Following the evaluation, the governance authority may reinstate any duties, authority, or pay previously suspended under division (C)(6) of section 3345.74 of the Revised Code, or may terminate the president or chief executive officer in accordance with the terms of the person's employment contract.

(C) Upon appointment of all members of a governance authority under this section and upon the effective date for the commencement of the duties of the executive director appointed by that authority under this section, all authority, responsibilities, duties, and references assumed by or conferred upon the conservator under divisions (C)(2) to (6) of section 3345.74 of the Revised Code terminate and all of the following shall occur, effective immediately:

(1) The management and control of the state university or college is assumed by the governance authority;

(2) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees or to the conservator are assigned to the

governance authority and the governance authority becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees and the conservator for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(3) Wherever the board of trustees or conservator is referred to in any contract or legal document, the reference is deemed to refer to the governance authority. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the authority of the board of trustees and the conservator by the governance authority under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the governance authority. No action or proceeding pending on the effective date of the assumption by the governance authority of the authority of the board of trustees and the conservator is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the governance authority.

(4) The governance authority assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college.

(D) A governance authority and executive director appointed under this section shall be immune, indemnified, and held harmless from civil liability, including any cause of action, legal, equitable, or otherwise, for any action taken or duties performed by the governance authority and executive director in good faith and in furtherance of the performance of the duties of the governance authority and executive director

under this section.

(E) The expenses of a governance authority and the expenses and compensation of an executive director appointed for a state university or college under this section and others employed by the executive director under this section shall be paid out of the operating funds and revenues of that university or college.

(F) A governance authority appointed under this section shall prepare, in accordance with rules adopted by the office of budget and management, and submit to the chancellor of higher education, the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate a quarterly report setting forth all of the following:

(1) The general condition of the university or college;

(2) The amounts of receipts and disbursements and the items for which the disbursements were made;

(3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction;

(4) An estimate of expenses for the ensuing quarter;

(5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;

(6) If the governance authority determines closure is necessary or is appointed to facilitate an orderly closure as determined to be necessary by the board of trustees prior to the

governance authority's appointment, all matters related to compliance with the requirements of a closure of an institution of higher education as specified by the chancellor;

(7) Any other matters the governance authority considers useful to report.

(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.

Sec. 3345.79. As used in this section, "state university or college" has the same meaning as in section 3345.71 of the Revised Code.

(A)(1) Pursuant to the authority of the general assembly to provide for the public health, safety, and welfare, it is declared to be the public policy and a public purpose of the state to require fiscal integrity of state universities and colleges so that they can educate students, pay when due principal and interest on their debt obligations, meet financial obligations to their employees, vendors, and suppliers, and provide for proper financial accounting procedures, budgeting, and taxing practices. The failure of a state university or college to so act is hereby determined to affect adversely the health, safety, and welfare not only of the students but also of other people of the state.

(2) The intention of the general assembly, under this

section and sections 3345.71 to 3345.77 of the Revised Code, is to enact procedures, provide powers, and impose restrictions to assure fiscal integrity of state universities and colleges as set out in division (A)(1) of this section.

(B) The chancellor may make recommendations, and the controlling board may grant money from the catastrophic expenditures account to any state university or college that suffers an unforeseen catastrophic event that severely depletes the university or college's financial resources. The chancellor shall make recommendations for the grants in accordance with rules adopted by the chancellor, after consulting with the director of budget and management. A state university or college shall not be required to repay any grant awarded to the state university or college under this division, unless the state university or college receives money from this state or a third party, including an agency of the government of the United States, specifically for the purpose of compensating the state university or college for revenue lost or expenses incurred as a result of the unforeseen catastrophic event.

Sec. 3345.83. (A) Beginning not later than the 2027-2028 academic year, each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall develop and implement a co-op internship program that aligns with JobsOhio's target economic sectors and connects students with Ohio-based employers to facilitate work-based learning opportunities, which may include apprenticeships, internships, externships, and co-ops, related to the student's course of study. Institutions shall work with JobsOhio to develop and implement their program, which shall include identifying industry and employer partners.

(B) The chancellor of higher education shall consult with JobsOhio to develop the goals, structure, and parameters of the program. The chancellor may consult with other stakeholders.

(C) Beginning on the thirtieth day of June following the academic year in which the co-op internship program under division (A) of this section is implemented and annually thereafter, each institution shall issue a report to the chancellor on the status of the institution's program, including the number of participating students, which employers are partnering with the institution, and how many participating students have received or accepted offers of employment after graduation as a direct result of their participation in the program.

Sec. 3345.86. (A) As used in this section:

(1) "Competency-based educational program" and "eligible individual" have the same meanings as in section 3313.902 of the Revised Code.

(2) "Eligible provider" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, a state community college established under Chapter 3358. of the Revised Code, or an Ohio technical center as defined in section 3333.94 of the Revised Code.

(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The

provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of section 3313.902 of the Revised Code to earn a diploma and attain the individual's career goals. Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program who satisfies one of the conditions specified in division (C) of section 3313.902 of the Revised Code.

(C) An eligible provider shall report each individual enrolled in a program under division (B) of this section to the department. The department annually shall certify the enrollment and attendance of each individual reported under this division and shall pay the provider up to $7,500 per school year, as determined by the department based on the extent of the individual's successful completion of the diploma requirements prescribed in division (C) of section 3313.902 of the Revised Code.

(D) An eligible provider that enrolls individuals under division (B) of this section is subject to the requirements of section 3313.902 of the Revised Code, as applicable.

Sec. 3354.19. ~~(A)~~ As used in sections 3354.19 to ~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means an individual who:

(A) Is twenty-seven years of age or older;

(B) Has worked without pay as a homemaker for his or her family;

(C) Is not gainfully employed and has had, or would be likely to have, difficulty in securing employment; and

(D) Has either been deprived of the support of a person on whom he or she was dependent, or has become ineligible for public assistance as the parent of a needy child.

Sec. 3501.01. As used in the sections of the Revised Code relating to elections and political communications:

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in May or November, on the first Tuesday after the first Monday in August in accordance with section 3501.022 of the Revised Code, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in May, except as authorized by a municipal or county charter, but may be held on the third Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose

of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the third Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Minor political party" means any political party organized under the laws of this state that meets either of the following requirements:

(a) Except as otherwise provided in this division, the

political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party that meets the requirements of this division remains a political party for a period of four years after meeting those requirements.

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue

certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections

administrator, office manager, or clerical supervisor;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct election officials;

(8) Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job

and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA)(1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;

(b) A United States passport or passport card;

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA)(1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that

includes the individual's name, photograph, and other identifying information and the passport's expiration date.

(BB) "Driver's license" means a license or permit issued by the registrar or a deputy registrar under Chapter 4506. or 4507. of the Revised Code that authorizes an individual to drive. "Driver's license" includes a driver's license, commercial driver's license, probationary license, restricted license, motorcycle operator's license, or temporary instruction permit identification card. "Driver's license" does not include a limited term license issued under section 4506.14 or 4507.09 of the Revised Code.

(CC) "State identification card" means a card issued by the registrar or a deputy registrar under sections 4507.50 to 4507.52 of the Revised Code.

(DD) "Interim identification form" means the document issued by the registrar or a deputy registrar to an applicant for a driver's license or state identification card that contains all of the information otherwise found on the license or card and that an applicant may use as a form of identification until the physical license or card arrives in the mail.

Sec. 3513.10. (A) At the time of filing a declaration of candidacy for nomination for any office, or a declaration of intent to be a write-in candidate, each candidate, except joint candidates for governor and lieutenant governor, shall pay a fee as follows:

1		2
A	For statewide office	$100

B	For court of appeals judge	$50
C	For court of common pleas judge	$50
D	For county court judge	$50
E	For municipal court judge	$50
F	For district office, including member of the United States house of representatives and member of the general assembly	$50
G	For county office	$50
H	For city office	$20
I	For village office	$10
J	For township office	$10
K	For member of state board of education	$20
L	For member of local, city, or exempted village board of education or educational service center governing board	$10

At the time of filing a declaration of candidacy or a declaration of intent to be a write-in candidate for the offices of governor and lieutenant governor, the joint candidates shall jointly pay to the secretary of state a fee of one hundred dollars.

(B)(1) At the same time the fee required under division (A) of this section is paid, each candidate shall pay an additional fee as follows:

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	1	2
A	For the joint candidates for governor and lieutenant governor	~~$50~~ $60
B	For statewide office	~~$50~~ $60
C	For district office, including member of the United States house of representatives and member of the general assembly	~~$35~~ $40
D	For member of state board of education	~~$35~~ $40
E	For court of appeals judge	~~$30~~ $40
F	For court of common pleas judge	~~$30~~ $40
G	For county court judge	~~$30~~ $35
H	For municipal court judge	~~$30~~ $35
I	For county office	~~$30~~ $35

J	For city office	~~$25~~ $30
K	For village office	$20
L	For township office	$20
M	For member of local, city, or exempted village board of education or educational service center governing board	$20

(2) Whoever seeks to propose a ballot question or issue to be submitted to the electors shall pay the following fee at the time the petition proposing the question or issue is filed:

(a) If the question or issue is to be submitted to the electors throughout the entire state, twenty-five dollars;

(b) If the question or issue is to be submitted to the electors of a county or of a district that consists of all or part of two or more counties but less than the entire state, fifteen dollars;

(c) If the question or issue is to be submitted to the electors of a city, twelve dollars and fifty cents;

(d) If the question or issue is to be submitted to the electors of a village, a township, a local, city, county, or exempted village school district, a precinct, or another district consisting of less than an entire county, ten dollars.

(C) No fee shall be required of candidates filing for the office of delegate or alternate to the national convention of political parties, member of the state central committee of a political party, or member of the county central committee of a

political party.

(D) All fees required under division (A) of this section immediately shall be paid by the officer receiving them into the state treasury to the credit of the general revenue fund, in the case of fees received by the secretary of state, and into the county treasury to the credit of the county general fund, in the case of fees received by a board of elections.

(E) The officer who receives a fee required under division (B) of this section immediately shall pay the fee to the credit of the Ohio elections commission fund created by division (I) of section 3517.152 of the Revised Code.

(F)(1) In no case shall a fee paid under this section be returned to a candidate.

(2) Whenever a section of law refers to a filing fee to be paid by a candidate or by a committee proposing a ballot question or issue to be submitted to the electors, that fee includes the fees required under divisions (A) and (B) of this section.

(G) As used in divisions (A) and (B) of this section, "statewide office" means the office of secretary of state, auditor of state, treasurer of state, attorney general, justice and chief justice of the supreme court, and member of the United States senate.

Sec. 3701.033. (A) This section establishes the order of priority to be followed by the department of health when distributing funds for the purpose of providing family planning services, including funds the department receives through the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended,

and funds the department receives through Title X of the "Public Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as amended. This section does not apply to grants awarded by the department under section 3701.046 of the Revised Code.

(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services.

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority:

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code;

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.

Sec. 3701.045. (A) The department of health, in consultation with the ~~children's trust fund board established under section 3109.15 of the Revised Code~~ department of children and youth and any bodies acting as child fatality review boards on October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;

(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the

confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the ~~children's trust fund board~~ department of children and youth jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might prevent future deaths. The department of health and the ~~children's trust fund board~~ department of children and youth jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and the senate, each county or regional child fatality review board, and each county or regional family and children first council.

Sec. 3701.841. The tobacco use prevention fund is hereby created in the state treasury. The fund shall consist of money deposited by the treasurer of state into the fund from the liquidation, pursuant to Sub. H.B. 544 of the 127th general assembly, of the former tobacco use prevention and control endowment fund, fees and fines deposited under section 3701.844 of the Revised Code, and any gifts, grants, or donations received by the director of health for the purposes of the tobacco use prevention fund. All investment earnings of the fund shall be credited to the fund. The treasurer, in consultation with the director, may invest moneys in the fund in accordance with section 135.143 of the Revised Code. Moneys in the fund

derived from fees and fines deposited under section 3701.844 of the Revised Code, and investment earnings thereon, shall be used by the department of health for the administration of sections 3701.842 to 3701.844 of the Revised Code or for tobacco and nicotine prevention or cessation interventions. All other money in the fund shall be used to pay outstanding expenses of the former tobacco use prevention and control foundation at the discretion of the director of health pursuant to Sub. H.B. 544 of the 127th general assembly and shall be used in accordance with section 3701.84 of the Revised Code.

Sec. 3701.842. (A) For the purposes of sections 3701.842 to 3701.844 of the Revised Code:

(1) "Person" has the same meaning as in section 5743.01 of the Revised Code;

(2) "Vapor product" has the same meaning as in section 2927.02 of the Revised Code.

(B)(1) Beginning one year after the effective date of this section, no person shall engage in the business of selling vapor products to ultimate consumers in this state, regardless of quantity, amount, or number of sales, without annually registering with the director of health.

(2) A separate certificate of registration is required for each place of business within this state at which vapor products are sold to ultimate consumers, even if multiple places of business are under common ownership or control.

(3)(a) On the dissolution of a partnership by death, the surviving partner may operate under the certificate of registration of the partnership until the expiration of the certificate if the partner notifies the department of health of

the dissolution within thirty days after the dissolution.

(b) The heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the certificate of registration of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the successor notifies the department of health of the succession within thirty days after the dissolution or succession.

(4)(a) Except as otherwise provided in division (B)(2) of this section, a certificate of registration shall not be transferred or assigned.

(b) A certificate of registration does not constitute property and is not subject to attachment or execution.

(5) Division (B)(1) of this section does not apply to either of the following:

(a) A person that is licensed by the county auditor or the tax commissioner in the wholesale or retail business of trafficking in cigarettes under section 5743.15 of the Revised Code, so long as the license is associated with the same place of business at which the person intends to sell vapor products to ultimate consumers within this state;

(b) A vapor distributor licensed to engage solely in the distribution of vapor products under section 5743.61 of the Revised Code.

(C) A person registered under this section shall post the certificate of registration in a prominent location adjacent to the vapor products offered for sale at the associated place of business.

(D)(1) Subject to division (D)(2) of this section, the director of health may impose a penalty of up to one thousand dollars on any person found to be knowingly engaged in the business of selling vapor products from a place of business in this state without a certificate of registration as required by this section or engaged in such business without displaying the certificate of registration as required by division (C) of this section.

(2) The penalty imposed by the director shall not exceed one hundred dollars if the violation occurred not more than ninety days following the expiration of a valid certificate of registration for the same place of business.

(3) The director may waive all or part of a penalty imposed under division (D) of this section if it is demonstrated, to the director's satisfaction, that there was reasonable cause for the failure to obtain or renew the certificate of registration or failure to display the certificate of registration.

Sec. 3701.843. (A) Each applicant for a certificate of registration under section 3701.842 of the Revised Code shall make and deliver to the director of health, upon a form furnished by the director for such purpose, a sworn application that states the following information for each place of business at which the applicant proposes to sell vapor products to ultimate consumers:

(1) The name, federal tax identification number, address, telephone number, and electronic mail address for the place of business and the name of each individual who manages the place of business;

(2) The name, address, telephone number, and electronic mail address of each owner of the place of business, including, if the owner is a business entity, the legal name of the business entity and a list of all partners or members of the business entity, as applicable, including each partner's or member's full name and title;

(3) The total amount of sales, expressed in United States dollars, of vapor products to ultimate consumers at the place of business in the preceding registration period;

(4) A list of any sales of vapor products to minors at the place of business in the preceding registration period.

(B) The director may, as a condition of granting a certificate of registration, require an applicant to submit documentation sufficient to establish that each place of business listed in the application complies with all state and local building, fire, and zoning requirements.

(C) At the time of submitting the application, the applicant shall pay to the department of health both of the following for each place of business listed in the application:

(1) A two-hundred-dollar nonrefundable application fee;

(2) A two-hundred-dollar annual registration fee.

(D) The director shall review and either approve or deny each application submitted under this section within sixty days after receipt. The director shall approve the application and issue a certificate of registration to the applicant unless one or more of the following apply:

(1) The applicant willfully made a materially false statement in the application or in any other correspondence with

the department.

(2) The applicant has not filed all returns, submitted all information, and paid all outstanding taxes, charges, or fees as required by state law.

(3) The applicant failed to provide information required by division (A) or (B) of this section.

(4) The director determines that the applicant lacks the financial responsibility, experience, or general fitness as to warrant the belief that the business will be operated lawfully, honestly, and fairly.

(5) The applicant, in the three years preceding the date the application is submitted, has been convicted of one or more violations of division (B) or (C) of section 2927.02 or division (B)(2) of section 2927.021 of the Revised Code.

(E)(1) The director may conduct an investigation of the application as part of evaluating an application under this section.

(2) As part of that investigation, the director may request the assistance of the tax commissioner in determining whether division (D)(2) of this section applies to the applicant.

(3) Within twenty days after receiving such a request, the commissioner shall notify the director if the applicant has failed to file any returns, submit any information, or make any payments with respect to any taxes, charges, or fees administered by the commissioner, to the extent that any delinquent payment or return, or any failure to submit information, is known to the department of taxation at the time of the request.

(F) Upon approval, the director shall issue to the applicant a certificate of registration for each place of business in the application authorizing the applicant to engage in the business of selling vapor products to ultimate consumers at that location for one year following the date of issuance.

(G)(1) A certificate of registration issued under division (F) of this section may be renewed, on or before the date the certificate expires, by filing an application for renewal upon a form furnished by the director for such purpose and submitting a two-hundred-dollar annual registration fee.

(2) The director shall refuse to renew the certificate of any applicant that has not paid all outstanding penalties under section 3701.842 of the Revised Code or to which any of the conditions described in division (D) of this section apply.

(H) The director may suspend or revoke a certificate of registration issued under this section if the certificate holder is convicted of a violation of division (B) or (C) of section 2927.02, or division (B)(2) of section 2927.021 of the Revised Code, or if the director determines that any of the conditions described in division (D) of this section apply to the certificate holder.

(I)(1) Any person adversely affected by the denial, refusal to renew, suspension, or revocation of a certificate of registration under this section may request an administrative hearing pursuant to Chapter 119. of the Revised Code.

(2) The director shall review the report and recommendation of the administrative hearing officer and make a final determination.

(3) Such determination may be appealed in accordance with

Chapter 119. of the Revised Code.

Sec. 3701.844. (A) All fees and fines paid under sections 3701.842 to 3701.844 of the Revised Code shall be made payable to the treasurer of state for deposit into the tobacco use prevention fund, created by section 3701.841 of the Revised Code.

(B) The director of health may adopt rules in accordance with Chapter 119. of the Revised Code for the administration of sections 3701.842 to 3701.844 of the Revised Code.

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3704.14. ~~(A)(1)~~ (A)(1)(a) If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, ~~2023~~2025, the director may provide for the implementation of the program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of ~~Am. Sub.~~ H.B. ~~64~~ 33 of the ~~131st~~ 135th general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, ~~2023~~2025, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(b) If the director of environmental protection determines that continued implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, 2027, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of H.B. 33 of the 135th general assembly beginning on July 1, 2027 for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that ~~is~~ was authorized by division (A)(1) of this section under the authority of H.B. 33 of the 135th general assembly, the director of environmental protection shall request the director of administrative services to enter into a contract with a vendor to operate a decentralized motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2027, with an option for the state to renew the contract for a period of up to twenty-four months through June 30, 2029. The contract shall ensure that the decentralized motor vehicle inspection and maintenance program achieves ~~at least the same~~ an equivalent amount of emission reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section under the authority of H.B. 33 of the 135th general assembly. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive

selection process regarding a contract to operate a decentralized motor vehicle inspection and maintenance program in this state incorporates the following, which shall be included in the contract:

(a) For purposes of expanding the number of testing locations for consumer convenience, a requirement that the vendor utilize established local businesses, auto repair facilities, or leased properties to operate state-approved inspection and maintenance testing facilities;

(b) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration;

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle

inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C)(1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The director of environmental protection shall issue an inspection certificate provided for under division (B)(2) of this section in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The individual holds a certificate or license in another state.

(b) The individual has satisfactory work experience, a

government certification, or a private certification as described in that chapter as a vehicle inspector in a state that does not issue that certificate.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program

established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

(F) As used in this section "battery electric motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

Sec. 3705.126. The department of health shall neither open an adoption file nor make its contents available except as follows:

(A) The department shall inspect the file to determine the court involved for the purpose of division (D) of section 3107.09 or section 3107.091 or 3107.171 of the Revised Code.

(B) The department shall make the file's contents available to an adopted person or lineal descendant of an adopted person in accordance with section 3107.38 of the Revised Code.

(C) The department shall open the file to transfer releases to the file in accordance with section 3107.381 of the Revised Code.

(D) The department shall open the file to file a contact preference form from a biological parent pursuant to section 3107.39 of the Revised Code and remove any previously filed contact preference form from the biological parent.

(E) The department shall open the file to ~~file a biological parent's name redaction request form pursuant to division (C) of section 3107.391 of the Revised Code or to~~ remove and destroy ~~the~~ a name redaction request form pursuant to division ~~(D)~~(A) of ~~that~~ section 3107.391 of the Revised Code.

(F) The department shall open the file to file a denial of release form under division (A) of section 3107.46 of the Revised Code or an authorization of release form under division (B) of that section.

(G) The department shall make the file's contents available to an adopted person or adoptive parent in accordance with section 3107.47 of the Revised Code.

(H) The department shall open the file to file a request from an adopted person under division (A) of section 3107.48 of the Revised Code or to remove and destroy the request pursuant to division (B) of that section.

(I) The department shall inspect the file to assist a birth parent or birth sibling in finding the adopted person's name by adoption in accordance with section 3107.49 of the Revised Code.

(J) The court that decreed the adoption may order that the contents be made open for inspection or available for copying.

Sec. 3705.17. The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-

registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional time for filing a satisfactory death certificate. A burial permit authorizing cremation shall not be issued upon the filing of a provisional certificate of death.

When a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or sub-registrar shall charge a fee of ~~three~~ four dollars and fifty cents for the issuance of the burial permit. ~~Two~~ Four dollars ~~and fifty cents~~ of each fee collected for a burial permit shall be paid into the state treasury to the credit of the cemetery registration fund created under section 4767.03 of the Revised Code to be used by the division of real estate and professional licensing in the department of commerce in discharging its duties prescribed in Chapter 4767. of the Revised Code and the Ohio cemetery dispute resolution commission created by section 4767.05 of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of

the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

Sec. 3706.01. As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.

(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.

(G) "Air quality facility" means any of the following:

(1) Any method, modification or replacement of property, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including, without limitation, facilities and expenditures that qualify as air pollution control facilities under section 103 (C)(4)(F) of the Internal Revenue Code of 1954, as amended, and regulations adopted thereunder;

(2) Motor vehicle inspection stations operated in accordance with, and any equipment used for motor vehicle inspections conducted under, section 3704.14 of the Revised Code

and rules adopted under it;

(3) Ethanol or other biofuel facilities, including any equipment used at the ethanol or other biofuel facility for the production of ethanol or other biofuels;

(4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air;

(5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation;

(6) Any coal research and development project conducted under Chapter 1555. of the Revised Code;

(7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes;

(8) ~~Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project~~Any property,

device, or equipment comprising a facility generating green energy;

(9) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through the generation of clean, renewable energy with renewable energy resources or advanced energy resources as defined in section 3706.25 of the Revised Code;

(10) Any property, device, structure, or equipment necessary for the manufacture and production of equipment described as an air quality facility under this chapter;

(11) Any property, device, or equipment related to the recharging or refueling of vehicles that promotes the reduction of emissions of air contaminants into the ambient air through the use of an alternative fuel as defined in section 125.831 of the Revised Code or the use of a renewable energy resource as defined in section 3706.25 of the Revised Code;

(12) Any special energy improvement project, as defined in section 1710.01 of the Revised Code, that promotes the reduction of emissions of air contaminants into the ambient air.

"Air quality facility" further includes any property or system to be used in whole or in part for any of the purposes in divisions (G)(1) to (12) of this section, whether another purpose is also served, and any property or system incidental to or that has to do with, or the end purpose of which is, any of the foregoing. Air quality facilities that are defined in this division for industry, commerce, distribution, or research, including public utility companies, are hereby determined to be those that qualify as facilities for the control of air pollution and thermal pollution related to air under Section 13

of Article VIII, Ohio Constitution.

(H) "Project" or "air quality project" means any air quality facility, including undivided or other interests therein, acquired or to be acquired or constructed or to be constructed by the Ohio air quality development authority under this chapter, or acquired or to be acquired or constructed or to be constructed by a governmental agency or person with all or a part of the cost thereof being paid from a loan or grant from the authority under this chapter or otherwise paid from the proceeds of air quality revenue bonds, including all buildings and facilities that the authority determines necessary for the operation of the project, together with all property, rights, easements, and interests that may be required for the operation of the project.

(I) "Cost" as applied to an air quality project means the cost of acquisition and construction, the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition and construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office and sub-offices of the authority, the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements for such access roads, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for no more than eighteen months after completion of construction, engineering, expenses of research and development with respect to air quality facilities,

the cost of any commodity contract, including fees and expenses related thereto, legal expenses, plans, specifications, surveys, studies, estimates of cost and revenues, working capital, other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing such project, administrative expense, and such other expense as may be necessary or incident to the acquisition or construction of the project, the financing of such acquisition or construction, including the amount authorized in the resolution of the authority providing for the issuance of air quality revenue bonds to be paid into any special funds from the proceeds of such bonds, and the financing of the placing of such project in operation. Any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a project may be regarded as a part of the cost of that project and may be reimbursed out of the proceeds of air quality revenue bonds as authorized by this chapter.

(J) "Owner" includes an individual, copartnership, association, or corporation having any title or interest in any property, rights, easements, or interests authorized to be acquired by this chapter.

(K) "Revenues" means all rentals and other charges received by the authority for the use or services of any air quality project, any gift or grant received with respect to any air quality project, any moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of an air quality project, moneys received in repayment of and for interest on any loans made by

the authority to a person or governmental agency, whether from the United States or any department, administration, or agency thereof, or otherwise, proceeds of such bonds to the extent that use thereof for payment of principal of, premium, if any, or interest on the bonds is authorized by the authority, amounts received or otherwise derived from a commodity contract or from the sale of the related commodity under such a contract, proceeds from any insurance, condemnation, or guaranty pertaining to a project or property mortgaged to secure bonds or pertaining to the financing of the project, and income and profit from the investment of the proceeds of air quality revenue bonds or of any revenues.

(L) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(M) "Public utility facilities" includes tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility.

(N) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates a different meaning or intent, includes air quality revenue notes, air quality revenue renewal notes, and air quality revenue refunding bonds, except that notes issued in anticipation of the issuance of bonds shall have a maximum maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the

original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable or biomass resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable or biomass resources, that meets all of the specifications in the American society for testing and materials (ASTM) specification

D 4806-88 and is denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations.

(T) "Biofuel" means any fuel that is made from cellulosic biomass resources, including renewable organic matter, crop waste residue, wood, aquatic plants and other crops, animal waste, solid waste, or sludge, and that is used for the production of energy for transportation or other purposes.

(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage.

(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it.

(W) "Green energy" has the same meaning as in section 4928.01 of the Revised Code.

Sec. 3706.04. The Ohio air quality development authority may:

(A) Adopt bylaws for the regulation of its affairs and the

conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office and suboffices at such places within the state as it designates;

(D) Sue and plead in its own name; be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 3706.05, 3706.07, and 3706.12 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the authority is located, or in the court of common pleas of the county in which the cause of action arose, provided such county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.

(E) Make loans and grants to governmental agencies for the acquisition or construction of air quality projects by any such governmental agency and adopt rules and procedures for making such loans and grants;

(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to, or contract for operation by, a person or governmental agency, air quality projects, and establish rules for the use of such projects;

(G) Make available the use or services of any air quality project to one or more persons, one or more governmental

agencies, or any combination thereof;

(H) Issue air quality revenue bonds and notes and air quality revenue refunding bonds of the state, payable solely from revenues as provided in section 3706.05 of the Revised Code, unless the bonds be refunded by refunding bonds, for the purpose of paying any part of the cost of one or more air quality projects or parts thereof;

(I) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of the powers of the authority and the performance of its duties under this chapter;

(J) Acquire, in the name of the state, by purchase or otherwise, on such terms and in such manner as the authority finds proper, or by the exercise of the right of condemnation in the manner provided by section 3706.17 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests as it finds necessary for carrying out this chapter, but excluding the acquisition by the exercise of the right of condemnation of any air quality facility owned by any person or governmental agency; and compensation shall be paid for public or private lands so taken;

(K) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under this chapter.

(1) When the cost under any such contract or agreement, other than compensation for personal services, involves an expenditure of more than two thousand dollars, the authority shall make a written contract with the lowest responsive and

responsible bidder, in accordance with section 9.312 of the Revised Code, after advertisement for not less than two consecutive weeks in a newspaper of general circulation in Franklin county, and in such other publications as the authority determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids; provided, that a contract or lease for the operation of an air quality project constructed and owned by the authority or an agreement for cooperation in the acquisition or construction of an air quality project pursuant to section 3706.12 of the Revised Code or any contract for the construction of an air quality project that is to be leased by the authority to, and operated by, persons who are not governmental agencies and the cost of such project is to be amortized exclusively from rentals or other charges paid to the authority by persons who are not governmental agencies is not subject to the foregoing requirements and the authority may enter into such contract, lease, or agreement pursuant to negotiation and upon such terms and conditions and for such period as it finds to be reasonable and proper in the circumstances and in the best interests of proper operation or of efficient acquisition or construction of such project.

(2) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall contain the full name of every person interested in it and meet the requirements of section 153.54 of the Revised Code.

(3) Each bid for a contract except as provided in division (K)(2) of this section shall contain the full name of every

person interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance thereof secured.

(4) The authority may reject any and all bids.

(5) A bond with good and sufficient surety, approved by the authority, shall be required of every contractor awarded a contract except as provided in division (K)(2) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon the faithful performance of the contract.

(L) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and such other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable solely from the proceeds of air quality revenue bonds or notes issued under this chapter, from revenues, or from funds appropriated for such purpose by the general assembly.

(M) Receive and accept from any federal agency, or not-for-profit entity, subject to the approval of the governor, grants or loans of federal funds, subject to the limitations of Ohio Constitution, Article VIII, Section 13, for or in aid of the construction of any air quality project or for research and development with respect to air quality facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(N) Engage in research and development with respect to air quality facilities;

(O) Purchase fire and extended coverage and liability insurance for any air quality project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its air quality revenue bonds or in any trust agreement securing the same;

(P) Charge, alter, and collect rentals and other charges for the use or services of any air quality project as provided in section 3706.13 of the Revised Code;

(Q) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(R) In accordance with section 54D(e) of the Internal Revenue Code, 26 U.S.C. 54D(e), allocate the national qualified energy conservation bond limitation allocated to the state and reallocate any portion of an allocation waived by a county or municipality.

(S) Issue air quality revenue bonds and notes of the state in principal amounts that are necessary to raise money for the sole benefit of the air quality revolving loan fund created under section 3706.042 of the Revised Code. The bonds and notes may be secured by appropriate trust agreements and repaid from money credited to the fund from payments of principal and interest on loans made from the fund.

(T) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 3706.042. The air quality revolving loan fund is created in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall consist of the proceeds of air quality revenue bonds and notes of the state issued by the air quality development authority pursuant to division (S) of section 3706.04 of the Revised Code for the sole benefit of the fund. The proceeds shall be held in trust pursuant to section 3706.10 of the Revised Code. The fund shall be for the purpose of carrying out the powers and duties of the authority.

Sec. 3706.46. (A)(1) Beginning for all bills rendered on or after January 1, 2021, by an electric distribution utility in this state, such electric distribution utility shall collect from all of its retail electric customers in this state, each month, a charge which, in the aggregate, is sufficient to produce a revenue requirement of twenty million dollars annually for total disbursements required under section 3706.55 of the Revised Code from the solar generation fund, or such total amount as is determined by the Ohio air quality development authority to be sufficient for the total disbursements required under section 3706.55 of the Revised Code and administrative costs under section 3706.491 of the Revised Code.

(2) The public utilities commission shall determine the method by which the revenue is allocated or assigned to each electric distribution utility for billing and collection, provided that the method of allocation shall be based on the

relative number of customers, relative quantity of kilowatt hour sales, or a combination of the two. The level and structure of the charge shall be authorized by the commission through a process that the commission shall determine is not for an increase in any rate, joint rate, toll, classification, charge, or rental, notwithstanding anything to the contrary in Title XLIX of the Revised Code.

(B) In authorizing the level and structure of any charge to be billed and collected by each electric distribution utility, the commission shall ensure that the per-customer monthly charge for residential customers does not exceed ten cents and that the per-customer monthly charge for industrial customers eligible to become self-assessing purchasers pursuant to division (C) of section 5727.81 of the Revised Code does not exceed two hundred forty-two dollars. For nonresidential customers that are not self-assessing purchasers, the level and design of the charge shall be established in a manner that avoids abrupt or excessive total net electric bill impacts for typical customers.

(C) Each charge authorized by the commission under this section shall be subject to adjustment so as to reconcile actual revenue collected with the revenue needed to meet the revenue requirement under division (A)(1) of this section. The commission shall authorize each electric distribution utility to adopt accounting practices to facilitate such reconciliation. Notwithstanding any other provisions of the Revised Code, the charge authorized by the commission may continue beyond ~~December~~ July 31, ~~2027~~2025, only if it is necessary to reconcile actual revenue collected under this section during the period ending on ~~December~~ July 31, ~~2027~~2025, with the actual revenue needed to meet the revenue requirement under division (A)(1) of this

section for required disbursements under section 3706.55 of the Revised Code that may be due and owing during the same period. Such continuation shall be authorized only for such period of time beyond ~~December~~ July 31, ~~2027~~2025, as may be reasonably necessary to complete the reconciliation.

Sec. 3714.07. (A)(1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied a fee of thirty cents per cubic yard or sixty cents per ton, as applicable, on both of the following:

(a) The disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter ~~or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code~~;

(b) The disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter ~~or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code~~.

(2) The owner or operator of a construction and demolition debris facility ~~or a solid waste facility~~ shall determine if cubic yards or tons will be used as the unit of measurement. If basing the fee on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and demolition debris to the facility or the cubic yards actually logged for disposal by the owner or operator in accordance with rules adopted under section 3714.02 of the Revised Code. If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of

construction and demolition debris that is disposed of.

(3) The owner or operator of a construction and demolition debris facility ~~or a solid waste facility~~ shall calculate the amount of money generated from the fee levied under division (A)(1) of this section and shall hold that amount as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris and asbestos or asbestos-containing materials or products disposed of at the facility and the total amount of money generated during that month from the fee levied under division (A)(1) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the amount of money calculated under division (A)(3) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late. Upon the request of the approved board of health and agreement by the

director, the director may require that the owner or operator file monthly returns and submit money generated from fees to the director in accordance with division (A)(3) of this section.

(4) Of the money that is submitted by a construction and demolition debris facility ~~or a solid waste facility~~ on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director, and any amount levied under division (C) or (D) of this section to the applicable municipal corporation, township, or county, not later than forty-five days after the receipt of the money. However, if the director receives payment of fees by agreement between a board of health and the director under division (A)(3) of this section, the director shall retain three cents per cubic yard or six cents per ton, as applicable, and transmit the remaining amount to the board of health not later than forty-five days after receipt of the money less any fees levied pursuant to divisions (C) and (D) of this section. The money retained or received by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely for the following purposes:

(a) To administer and enforce this chapter and Chapter 3734. of the Revised Code and rules adopted under them;

(b) To abate abandoned accumulations of construction and demolition debris as provided in section 3714.074 of the Revised Code;

(c) To mitigate any impacts to public health, safety, and welfare of any construction and demolition debris facility and solid waste disposal or transfer facility within the health district, including ensuring appropriate inspection of any such

facility to prevent any negative public health, safety, and welfare impact.

The director shall transmit all money ~~received~~ to which the director is entitled under this section to the treasurer of state to be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(B) The board of health of a health district or the director may enter into an agreement with the owner or operator of a construction and demolition debris facility ~~or a solid waste facility~~ for the quarterly payment of money generated from the disposal fee as calculated in division (A)(3) of this section. The board of health shall notify the director of any such agreement. Not later than forty-five days after receipt of the quarterly payment, the board of health shall transmit the amount established in division (A)(4) of this section to the director. The money retained by the board of health shall be deposited in the special fund of the district as required under that division. Upon receipt of the money from a board of health, the director shall transmit the money to the treasurer of state to be credited to the waste management fund.

(C) If a construction and demolition debris facility ~~or a solid waste facility~~ is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility ~~or the solid waste facility~~ is located ~~or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code,~~and to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

The legislative authority of a municipal corporation or township may cease appropriating money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for prorating the amount of the fee that may be appropriated under this division by a municipal corporation or township in which only a portion of a construction and demolition debris facility is located within the territorial boundaries of the municipal corporation or township.

(D) The board of county commissioners of a county in which a construction and demolition debris facility ~~or a solid waste facility~~ is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a solid waste management district may levy a fee under division (B) of section 3734.57 of the Revised Code.

The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction and demolition debris facility ~~or the solid waste facility~~ is located ~~or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code,~~and to the director. Upon receipt of the copy of the resolution and not later than forty-five days after receipt of money generated from the fee, the board of health or the director, as applicable, shall transmit to the treasurer of the county that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the resolution to be paid to that county.

Money received by a county treasurer under this division shall be paid into the general fund of the county. The county treasurer shall maintain separate records of the money received under this division.

A board of county commissioners may cease appropriating money under this division by repealing the resolution that was adopted under this division.

~~(E)(1) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if there is no construction and demolition debris facility licensed under this chapter within thirty-five miles of the solid waste facility as determined by a facility's property boundaries.~~

~~(2) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris and asbestos or asbestos-containing materials or products that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.~~

~~(3)~~ (E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

~~(a)~~ (1) The materials are placed within the limits of

construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

~~(b)~~ (2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

Sec. 3714.073. (A) In addition to the fee levied under division (A)(1) of section 3714.07 of the Revised Code, beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter ~~or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code~~ and on the disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter ~~or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code~~ the following fees:

(1) A fee of twelve and one-half cents per cubic yard or twenty-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in

section 940.15 of the Revised Code;

(2) A fee of thirty-five cents per cubic yard or seventy cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in section 3736.03 of the Revised Code;

(3) A fee of two and one-half cents per cubic yard or five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(B) The owner or operator of a construction and demolition debris facility ~~or a solid waste facility~~, as a trustee of the state, shall calculate the amount of money generated from the fees levied under this section and remit the money from the fees in the manner that is established in divisions (A)(2) and (3) of section 3714.07 of the Revised Code for the fee that is levied under division (A)(1) of that section ~~and~~ . A board of health may enter into an agreement ~~for the~~ as follows:

(1) With the owner or operator for the quarterly payment of money generated from the fees levied under this section in the manner established in division (B) of ~~that~~ section 3714.07 of the Revised Code for the quarterly payment of money generated from the fee that is levied under division (A)(1) of that section;

(2) With the director of environmental protection for the collection of the fees by the director in the same manner that the director collects fees on behalf of the board under division (A)(3) of section 3714.07 of the Revised Code.

(C) The amount of money that is calculated by the owner or

operator of a construction and demolition debris facility ~~or a solid waste facility~~ and remitted to a board of health or the director of environmental protection, as applicable, pursuant to this section shall be transmitted by the board or director to the treasurer of state not later than forty-five days after the receipt of the money to be credited to the soil and water conservation district assistance fund or the recycling and litter prevention fund, as applicable.

(D) ~~This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris and asbestos or asbestos-containing materials or products that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.~~

~~(E)~~ This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

Sec. 3715.021. (A) As used in this section~~, "food~~ :

(1) "Food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a small egg producer; a processor of tree syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; a beekeeper who jars honey when a minimum of seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter.

(2) "Small egg producer" means any person that is engaged in the operation of egg production and annually maintains five hundred or fewer birds.

(B) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by the Revised Code, standards and good manufacturing practices for food processing establishments, including the facilities of food processing establishments and their sanitation. The rules shall conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.

A business or that portion of a business that is regulated by the department of agriculture under Chapter 917. or 918. of the Revised Code is not subject to regulation under this section as a food processing establishment.

Sec. 3719.04. (A) A person ~~identified in division (B)(1)(a) of section 4729.52 of the Revised Code~~ who holds a ~~category III~~ license issued under ~~that~~ section 4729.52 of the Revised Code granting authority with respect to controlled substances may sell at wholesale controlled substances to any of the following persons and is subject to the following conditions:

(1) To another person who holds a ~~category III~~ license issued under section 4729.52 of the Revised Code granting authority with respect to controlled substances or to a terminal distributor of dangerous drugs with a ~~category III~~ license issued under section 4729.54 of the Revised Code granting authority with respect to controlled substances;

(2) To a person in the employ of the United States

government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of official duties;

(3) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board the ship or aircraft, when not in port; provided such controlled substances shall be sold to the master of the ship or person in charge of the aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service;

(4) To a person in a foreign country, if the federal drug abuse control laws are complied with.

(B) An official written order for any schedule II controlled substances shall comply with all requirements of the federal drug abuse control laws and rules adopted by the state board of pharmacy. Except as provided in section 3719.05 of the Revised Code or as otherwise specified in rules adopted by the board, each party engaged in the sale of schedule II controlled substances shall maintain all records relating to the order for a period of five years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code:

(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or

more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907. of the Revised Code.

(b) "Home" also means both of the following:

(i) Any facility that a person, as defined in section 3702.51 of the Revised Code, proposes for certification as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and for which a certificate of need, other than a certificate to recategorize hospital beds as described in section 3702.521 of the Revised Code or division (R)(7)(d) of the version of section 3702.51 of the Revised Code in effect immediately prior to April 20, 1995, has been granted to the person under sections 3702.51 to 3702.62 of the Revised Code after August 5, 1989;

(ii) A county home or district home that is or has been licensed as a residential care facility.

(c) "Home" does not mean any of the following:

(i) Except as provided in division (A)(1)(b) of this section, a ~~public hospital or~~ hospital as defined in this section ~~3701.01~~ or section 5122.01 of the Revised Code;

(ii) A residential facility as defined in section 5119.34 of the Revised Code;

(iii) A residential facility as defined in section 5123.19 of the Revised Code;

(iv) A community addiction services provider as defined in section 5119.01 of the Revised Code;

(v) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;

(vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for the care of pediatric respite care patients or a location operated by a pediatric transition care program registered under section 3712.042 of the Revised Code that is used exclusively for the care of pediatric transition care patients;

(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program or the medicaid program if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;

(x) A county home or district home that has never been licensed as a residential care facility.

(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt

or uncle.

(3) "Mental impairment" does not mean mental illness, as defined in section 5122.01 of the Revised Code, or developmental disability, as defined in section 5123.01 of the Revised Code.

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

(a) Irrigations, catheterizations, application of dressings, and supervision of special diets;

(b) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;

(c) Special procedures contributing to rehabilitation;

(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;

(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

(5)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician, certified nurse-midwife if authorized as described in section 4723.438 of the Revised Code, clinical nurse specialist, certified nurse practitioner, or licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.

(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.

(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

(7) "Residential care facility" means a home that provides either of the following:

(a) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;

(b) Accommodations for three or more unrelated individuals, supervision and personal care services for at least

three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by section 3721.011 of the Revised Code.

(8) "Home for the aging" means a home that provides services as a residential care facility and a nursing home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.

The part or unit of a home for the aging that provides services only as a residential care facility is licensed as a residential care facility. The part or unit that may provide skilled nursing care beyond the extent authorized by section 3721.011 of the Revised Code is licensed as a nursing home.

(9) "County home" and "district home" mean a county home or district home operated under Chapter 5155. of the Revised Code.

(10) "Change of operator" includes circumstances in which an entering operator becomes the operator of a nursing home in the place of the exiting operator.

(a) Actions that constitute a change of operator include the following:

(i) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(ii) A change in operational control of the nursing home, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home is also transferred;

(iii) A lease of the nursing home to the entering operator or termination of the exiting operator's lease;

(iv) If the exiting operator is a partnership, dissolution of the partnership, a merger of the partnership into another person that is the survivor of the merger, or a consolidation of the partnership and at least one other person to form a new person;

(v) If the exiting operator is a limited liability company, dissolution of the limited liability company, a merger of the limited liability company into another person that is the survivor of the merger, or a consolidation of the limited liability company and at least one other person to form a new person;

(vi) If the exiting operator is a corporation, dissolution of the corporation, a merger of the corporation into another person that is the survivor of the merger, or a consolidation of the corporation and at least one other person to form a new person;

(vii) A contract for a person to assume operational control of a nursing home;

(viii) A change of fifty per cent or more in the ownership of the licensed operator that results in a change of operational control;

(ix) Any pledge, assignment, or hypothecation of or lien or other encumbrance on any of the legal or beneficial equity interests in the operator or a person with operational control.

(b) The following do not constitute a change of operator:

(i) Actions necessary to create an employee stock

ownership plan under section 401(a) of the "Internal Revenue Code," 26 U.S.C. 401(a);

(ii) A change of ownership of real property or personal property associated with a nursing home;

(iii) If the operator is a corporation that has securities publicly traded in a marketplace, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator;

(iv) An initial public offering for which the securities and exchange commission has declared the registration statement effective, and the newly created public company remains the operator.

(11) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the entering operator.

(a) An individual who is a relative of an entering operator is a related party.

(b) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the entering operator and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the entering operator and another organization from which the entering operator purchases or leases real property.

(c) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(d) An individual or organization that supplies goods or services to an entering operator shall not be considered a related party if all of the following conditions are met:

(i) The supplier is a separate bona fide organization.

(ii) A substantial part of the supplier's business activity of the type carried on with the entering operator is transacted with others than the entering operator and there is an open, competitive market for the types of goods or services the supplier furnishes.

(iii) The types of goods or services are commonly obtained by other nursing homes from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by nursing homes.

(iv) The charge to the entering operator is in line with the charge for the goods or services in the open market and not more than the charge made under comparable circumstances to others by the supplier.

(12) "SFF list" means the list of nursing facilities created by the United States department of health and human services under the special focus facility program.

(13) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).

(14) "Real and present danger" means immediate danger of

serious physical or life-threatening harm to one or more occupants of a home.

(15) "Operator" means a person or government entity responsible for the operational control of a nursing home and that holds both of the following:

(a) A license to operate the nursing home issued under section 3721.02 of the Revised Code, if such a license is required by section 3721.05 of the Revised Code;

(b) A medicaid provider agreement issued under section 5165.07 of the Revised Code, if applicable.

(16) "Entering operator" means the person or government entity that will become the operator of a nursing home when a change of operator occurs or following a license revocation.

(17) "Relative of entering operator" means an individual who is related to an entering operator of a nursing home by one of the following relationships:

(a) Spouse;

(b) Natural parent, child, or sibling;

(c) Adopted parent, child, or sibling;

(d) Stepparent, stepchild, stepbrother, or stepsister;

(e) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(f) Grandparent or grandchild;

(g) Foster caregiver, foster child, foster brother, or foster sister.

(18) "Exiting operator" means any of the following:

(a) An operator that will cease to be the operator of a nursing home on the effective date of a change of operator;

(b) An operator that will cease to be the operator of a nursing home on the effective date of a facility closure;

(c) An operator of a nursing home that is undergoing or has undergone a surrender of license;

(d) An operator of a nursing home that is undergoing or has undergone a license revocation.

(19) "Operational control" means having the ability to direct the overall operations and cash flow of a nursing home. "Operational control" may be exercised by one person or by multiple persons acting together or by a government entity, and may exist by means of any of the following:

(a) The person, persons, or government entity directly operating the nursing home;

(b) The person, persons, or government entity directly or indirectly owning fifty per cent or more of the operator of the nursing home;

(c) An agreement or other arrangement granting the person, persons, or government entity operational control of the nursing home.

(20) "Property owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing home:

(a) The land on which the nursing home is located;

(b) The structure in which the nursing home is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing home is located;

(d) Any lease or sublease of the land or structure on or in which the nursing home is located.

"Property owner" does not include a holder of a debenture or bond related to the nursing home and purchased at public issue or a regulated lender that has made a loan related to the nursing home, unless the holder or lender operates the nursing home directly or through a subsidiary.

(21) "Person" has the same meaning as in section 1.59 of the Revised Code.

(22) "Hospital" has the same meaning as in section 3722.01 of the Revised Code.

(23) "Real estate investment trust" has the same meaning as in 26 U.S.C. 856.

(24) "Health care real estate investment trust" means a real estate investment trust whose assets include direct or indirect ownership of real property that is held in connection with the use or operation of any facility licensed or certified to provide health care services to individuals, including a hospital or nursing home.

(B) The director of health may further classify homes. For the purposes of this chapter, any residence, institution, hotel, congregate housing project, or similar facility that meets the definition of a home under this section is such a home regardless of how the facility holds itself out to the public.

(C) For purposes of this chapter, personal care services

or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party.

(D) Nothing in division (A)(4) of this section shall be construed to permit skilled nursing care to be imposed on an individual who does not require skilled nursing care.

Nothing in division (A)(5) of this section shall be construed to permit personal care services to be imposed on an individual who is capable of performing the activity in question without assistance.

(E) Division (A)(1)(c)(ix) of this section does not prohibit a facility, infirmary, or other entity described in that division from seeking licensure under sections 3721.01 to 3721.09 of the Revised Code or certification under Title XVIII or XIX of the "Social Security Act." However, such a facility, infirmary, or entity that applies for licensure or certification must meet the requirements of those sections or titles and the rules adopted under them and obtain a certificate of need from the director of health under section 3702.52 of the Revised Code.

(F) Nothing in this chapter, or rules adopted pursuant to it, shall be construed as authorizing the supervision, regulation, or control of the spiritual care or treatment of residents or patients in any home who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination.

Sec. 3721.026. (A) Before the director of health can issue

a license to operate a nursing home to an entering operator, all of the following requirements must be satisfied:

(1) The entering operator completes a change of operator license application on a form prescribed by the director and pays the applicable fee as determined by the director.

Any fee required by the director under division (A)(1) of this section shall be credited to the general operations fund established under section 3701.83 of the Revised Code.

A completed application shall be submitted not later than forty-five days before the proposed effective date of the change of operator if the change of operator does not entail the relocation of residents. A completed application shall be submitted not later than ninety days before the proposed effective date of the change of operator if the change of operator entails the relocation of residents. The director may waive the time requirements specified in division (A)(1) of this section in an emergency, such as the death of the operator.

The change of operator license application established under this section shall include all of the following:

(a) Disclosure of all direct and indirect owners owning at least five per cent of each of the following:

(i) The entering operator, if the entering operator is an entity;

(ii) The owner of the building or buildings in which the nursing home is housed, if the owner of the building or buildings is a different person or government entity from the entering operator;

(iii) The owner of the legal rights associated with the

ownership and operation of the nursing home beds, if the owner of the legal rights is a different person or government entity from the entering operator;

(iv) Each related party that provides or will provide services to the nursing home, through contracts with any party identified in division (A)(1)(a) of this section.

(b) Disclosure of whether a person or government entity identified in division (A)(1)(a) of this section has or had a direct or indirect ownership or operational interest in a current or previously licensed nursing home in this state or another state, including disclosure of whether any of the following occurred with respect to an identified nursing home within the five years immediately preceding the date of application:

(i) Voluntary or involuntary closure of the nursing home;

(ii) Voluntary or involuntary bankruptcy proceedings;

(iii) Voluntary or involuntary receivership proceedings;

(iv) License suspension, denial, or revocation;

(v) Injunction proceedings initiated by a regulatory agency;

(vi) The nursing home is listed in table A, table B, or table D on the SFF list under the special focus facility program;

(vii) A civil or criminal action was filed against it by a state or federal entity.

(c) Any additional information that the director considers necessary to determine the ownership, operation, management, and

control of the nursing home.

(2) Except for applications that demonstrate that the entering operator, or a person or government entity that directly or indirectly owns at least fifty per cent of the entering operator, directly or indirectly owns at least fifty per cent of the nursing home and its assets, the entering operator submits evidence of a bond ~~or other financial security~~ reasonably acceptable to the director for an amount not less than the product of the number of licensed beds in the nursing home, as reflected in the application, multiplied by ten thousand dollars. The bond may be supplied by either the entering operator or the property owner of the nursing home.

(a) The bond ~~or other financial security~~ shall be renewed, replaced, or maintained for five years after the effective date of the change of operator. The aggregate liability of a surety shall not exceed the sum of the bond, which is not cumulative from period to period. If the bond ~~or other financial security~~ is not renewed, replaced, or maintained in accordance with this division, the director shall revoke the nursing home operator's license after providing thirty days' notice to the operator. The bond ~~or other financial security~~ shall be released five years after the effective date of the change of operator if none of the events described in division (A)(2)(b) of this section have occurred.

(b) The director may utilize the bond ~~or other financial security~~ required under division (A)(2) of this section to pay expenses incurred by the director or another state official or agency if any of the following occur during the five-year period for which the bond ~~or other financial security~~ is required:

(i) The nursing home is voluntarily or involuntarily

closed.

(ii) The nursing home or its owner or operator is the subject of voluntary or involuntary bankruptcy proceedings.

(iii) The nursing home or its owner or operator is the subject of voluntary or involuntary receivership proceedings.

(iv) The license to operate the nursing home is suspended, denied, or revoked.

(v) The nursing home undergoes a change of operator, unless the new applicant submits a bond ~~or other financial security~~ in accordance with this section.

(vi) The nursing home appears in table A, table B, or table D on the SFF list under the special focus facility program.

(3) The entering operator or a person or government entity who will have operational control of the nursing home has at least five years of experience as either of the following:

(a) An administrator of a nursing home located in this state or another state;

(b) A person or government entity with operational control of a nursing home located in this state or another state.

(4) The entering operator attests that the entering operator has plans for quality assurance and risk management for the operation of the nursing home.

(5) The entering operator attests that the entering operator has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate.

(6) The entering operator attests that the entering operator has sufficient numbers of qualified staff, by training or experience, who will be employed to properly care for the type and number of nursing home residents.

(B) The director shall issue to the entering operator a notice of intent to grant a change of operator license upon a determination that all requirements of this section have been met, except for submission of the final document evidencing completion of the transaction.

(C) The director may conduct a survey of the nursing home not less than sixty days after the effective date of the change of operator.

(D) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home.

(E) The director shall deny a change of operator license application if any of the following circumstances exist:

(1) The requirements established by this section are not satisfied.

(2) The owner of the building or buildings in which the nursing home is housed is a health care real estate investment trust, and the director has determined that the entering operator plans to lease the building or buildings from such trust.

(3) The entering operator or a person or government entity identified in division (A)(1)(a) of this section who directly or indirectly has twenty-five per cent or more ownership of the entering operator meets both of the following criteria:

(a) The entering operator or the person or government entity has or had either of the following relationships to a currently or previously licensed nursing home in this state or another state:

(i) Fifty per cent or more direct or indirect ownership in the nursing home;

(ii) Alone or together with one or more other persons, operational control of the nursing home.

(b) Any of the following occurred with respect to the current or previously licensed nursing home described in division ~~(E)(2)(a)~~ (E)(3)(a) of this section within the five years immediately preceding the date of application:

(i) Involuntary closure of the nursing home by a regulatory agency or voluntary closure in response to licensure or certification action;

(ii) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days of filing for bankruptcy;

(iii) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days of the proceedings' initiation;

(iv) License suspension, denial, or revocation for failure to comply with operating standards.

~~(3)~~ (4) If a change of twenty-five per cent or more of the property ownership interest in a nursing home occurs in connection with the change of operator, the person or government entity who acquired the property ownership interest meets both of the following criteria:

(a) The person or government entity has or had either of

the following relationships to a currently or previously licensed nursing home in this state or another state:

(i) Fifty per cent or more direct or indirect property ownership in the nursing home;

(ii) Alone or together with one or more other persons, operational control of the nursing home.

(b) Any of the following occurred with respect to the current or previously licensed nursing home described in division ~~(E)(3)(a)~~ (E)(4)(a) of this section within the five years immediately preceding the date of application:

(i) Involuntary closure of the nursing home by a regulatory agency or voluntary closure in response to licensure or certification action;

(ii) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days of filing for bankruptcy;

(iii) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days of the proceedings' initiation;

(iv) License suspension, denial, or revocation for failure to comply with operating standards.

(F) An entering operator may appeal the denial of a change of operator license application in accordance with Chapter 119. of the Revised Code.

(G) An entering operator shall do all of the following:

(1) Notify the director immediately upon discovery of any error, omission, or change of information in a change of operator license application.

(2) Notify the director within ten days of any change in the information or documentation required by this section that occurs after the effective date of the change of operator.

(3) Truthfully supply any additional information or documentation requested by the director.

If an entering operator fails to notify the director or supply additional information or documentation in accordance with this division, the director shall impose a civil penalty of two thousand dollars for each day of noncompliance.

(4) Not complete the change of operator until the director issues to the entering operator notice of intent to grant a change of operator license in accordance with division (B) of this section. The entering operator shall submit the final document evidencing completion of the transaction not later than five days after completion.

(H)(1) The director shall investigate an allegation that a change of operator has occurred and the entering operator failed to submit an application in accordance with this section or an application was filed but the information was fraudulent. The director may request the attorney general's assistance with an investigation under this section.

(2) If the director becomes aware, by means of an investigation or otherwise, that a change of operator has occurred and the entering operator failed to submit an application in accordance with this section, or an application was filed but the information provided was fraudulent, the director shall impose a civil penalty of two thousand dollars for each day of noncompliance after the date ~~the director becomes aware that~~ the change of operator has occurred. If the

entering operator fails to submit an application or new application in accordance with this section within sixty days of the director becoming aware of the change of operator, the director shall begin the process of revoking a nursing home license as specified in section 3721.03 of the Revised Code.

(I) It is the intent of the general assembly in amending this section to require full and complete disclosure and transparency with respect to the ownership, operation, and management of each licensed nursing home ~~located in this state~~undergoing a change of operator. The director may adopt rules as necessary to implement this section. Any rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3721.07. Every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. The director shall issue a license for the home, if after investigation of the applicant and, if required by section 3721.02 of the Revised Code, inspection of the home, the following requirements or conditions are satisfied or complied with:

(A) The applicant has not been convicted of a felony or a crime involving moral turpitude;

(B) The applicant is not violating any of the rules adopted by the director of health or any order issued by the director;

(C) The applicant has not had a license to operate the home revoked pursuant to section 3721.03 of the Revised Code because of any act or omission that jeopardized a resident's

health, welfare, or safety nor has the applicant had a long-standing pattern of violations of this chapter or rules adopted under it that caused physical, emotional, mental, or psychosocial harm to one or more residents.

(D) The buildings in which the home is housed have been approved by the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal. In the approval of a home such agencies shall apply standards prescribed by the board of building standards, and by the state fire marshal, and by section 3721.071 of the Revised Code.

(E) The applicant, if it is an individual, or the principal participants, if it is an association or a corporation, is or are suitable financially and morally to operate a home;

(F) The applicant is equipped to furnish humane, kind, and adequate treatment and care;

(G) The home does not maintain or contain:

(1) Facilities for the performance of major surgical procedures;

(2) Facilities for providing therapeutic radiation;

(3) An emergency ward;

(4) A clinical laboratory unless it is under the supervision of a clinical pathologist who is a licensed physician in this state;

(5) Facilities for radiological examinations unless such examinations are performed only by a person licensed to practice medicine, surgery, or dentistry in this state.

(H) The home does not accept or treat outpatients, except upon the written orders of a physician licensed in this state, maternity cases, boarding children, and does not house transient guests, other than participants in an adult day-care program, for twenty-four hours or less;

(I) The home is in compliance with sections 3721.28 and 3721.29 of the Revised Code;

(J) In the case of a nursing home, the applicant does not lease from a health care real estate investment trust the building or buildings in which the nursing home is housed.

When the director issues a license, the license shall remain in effect until revoked by the director or voided at the request of the applicant; provided, there shall be an annual renewal fee payable during the month of January of each calendar year. Any licensed home that does not pay its renewal fee in January shall pay, beginning the first day of February, a late fee of one hundred dollars for each week or part thereof that the renewal fee is not paid. If either the renewal fee or the late fee is not paid by the fifteenth day of February, the director may, in accordance with Chapter 119. of the Revised Code, revoke the home's license.

If, under division (B)(5) of section 3721.03 of the Revised Code, the license of a person has been revoked or the license of a county home or district home to operate as a residential care facility has been revoked, the director of health shall not issue a license to the person or home at any time. A person whose license is revoked, and a county home or district home that has its license as a residential care facility revoked other than under division (B)(5) of section 3721.03 of the Revised Code, for any reason other than

nonpayment of the license renewal fee or late fees shall not be issued a new license under this chapter until a period of one year following the date of revocation has elapsed.

Any applicant who is denied a license may appeal in accordance with Chapter 119. of the Revised Code.

Sec. 3721.073. (A) Except as provided in division (B) of this section, a nursing home issued a license under section 3721.026 or 3721.07 of the Revised Code shall not lease from a health care real estate investment trust the building or buildings in which the nursing home is housed.

(B) The prohibition described in division (A) of this section does not apply to a licensed nursing home that, on the effective date of this section, leases from a health care real estate investment trust the building or buildings in which the nursing home is housed.

(C) Not later than ninety days after the effective date of this section, a licensed nursing home meeting the condition described in division (B) of this section shall submit to the director of health copies of all documents in its possession related to any lease, master lease, sublease, license, or other agreement concerning the use or occupancy of the buildings or buildings in which the nursing home is housed.

Sec. 3721.074. (A) As used in this section:

(1) "Independent living facility" has the same meaning as in section 5709.12 of the Revised Code.

(2) "Residential facility" has the same meaning as in section 5119.34 of the Revised Code.

(B)(1) Notwithstanding any provision of the Revised Code

to the contrary, an independent living facility or residential facility that applies to the director of health pursuant to section 3721.07 of the Revised Code for a license as a residential care facility may continue to operate as an independent living facility or residential facility in accordance with this section during the period of time that the application is under consideration by the director.

(2) An independent living facility or residential facility shall not provide care to more than two residents while its application under section 3721.07 of the Revised Code is pending.

Sec. 3721.32. (A) The director of health shall establish a state nurse aide registry listing all individuals who have done any of the following:

(1) Were used by a long-term care facility as nurse aides on a full-time, temporary, per diem, or other basis at any time during the period commencing July 1, 1989, and ending January 1, 1990, and successfully completed, not later than October 1, 1990, a competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by the director under division (C) of that section;

(2) Successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or met the conditions specified in division (F)(1) or (2) of section 3721.28 of the Revised Code, and, if the training and competency evaluation program or the training, instruction, or education the individual completed in meeting the conditions specified in division (F)(1) of section 3721.28 of the Revised Code was conducted in or by a long-term care facility, has successfully

completed a competency evaluation program conducted by the director;

(3) Successfully completed a training and competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(4) Successfully completed, prior to July 1, 1989, a program that the director has determined under division (B)(3) of section 3721.28 of the Revised Code included a competency evaluation component no less stringent than the competency evaluation programs approved or conducted by the director under section 3721.31 of the Revised Code, and was otherwise comparable to the training and competency evaluation program being approved by the director under section 3721.31 of the Revised Code;

(5) Are listed in a nurse aide registry maintained by another state that certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or regulations adopted thereunder;

(6) Were found competent, as provided in division (B)(5) of section 3721.28 of the Revised Code, prior to July 1, 1989, after the completion of a course of nurse aide training of at least one hundred hours' duration;

(7) Are enrolled in a prelicensure program of nursing education approved by the board of nursing or by an agency of another state that regulates nursing education, have provided the long-term care facility with a certificate from the program indicating that the individual has successfully completed the courses that teach basic nursing skills including infection

control, safety and emergency procedures, and personal care, and have successfully completed a competency evaluation program conducted by the director under division (A) of section 3721.31 of the Revised Code;

(8) Have the equivalent of twelve months or more of full-time employment in the five years preceding listing in the registry as a hospital aide or orderly and have successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(9) Successfully completed a prelicensure program of nursing education approved by the board of nursing under section 4723.06 of the Revised Code or by an agency of another state that regulates nursing education and passed the examination accepted by the board of nursing under section 4723.10 of the Revised Code, which shall be deemed as successfully completing a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(10) Successfully completed both of the following:

(a) A training course provided by the United States department of veterans affairs in a community living center operated by the department of veterans affairs that the director of health determines is similar to a training and competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(b) A competency evaluation program conducted by the director of health under division (C) of section 3721.31 of the Revised Code.

(B) In addition to the list of individuals required by

division (A) of this section, the registry shall include both of the following:

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse, neglect, or exploitation of a resident or misappropriation of resident property;

(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings.

Whenever an inquiry is received as to the information contained in the registry concerning an individual about whom a statement required by section 3721.23 of the Revised Code is included in the registry, the director shall disclose the statement or a summary of the statement together with any statement provided by the individual under section 3721.23 or a clear and accurate summary of that statement.

(C) The director may by rule specify additional information that must be provided to the registry by long-term care facilities and persons or government agencies conducting approved training and competency evaluation programs.

(D) Information contained in the registry is a public record for the purposes of section 149.43 of the Revised Code, and is subject to inspection and copying under section 1347.08 of the Revised Code.

(E) An individual who is listed on the registry in good standing shall be referred to as a certified nurse aide. Only individuals listed on the registry shall use the designation "certified nurse aide" or "CNA."

Sec. 3722.01. As used in this chapter:

(A) "Children's hospital" means either of the following:

(1) A hospital that provides general pediatric medical and surgical care in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(2) A distinct portion of a hospital that provides general pediatric medical and surgical care, has a total of at least one hundred fifty pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age.

(B) "Health care real estate investment trust" means a real estate investment trust whose assets include direct or indirect ownership of real property that is held in connection with the use or operation of any facility licensed or certified to provide health care services to individuals, including a hospital or nursing home.

(C) "Health care service" means any of the following:

(1) Pediatric intensive care;

(2) Solid organ and bone marrow transplantation;

(3) Stem cell harvesting and reinfusion;

(4) Cardiac catheterization;

(5) Open heart surgery;

(6) Operation of linear accelerators;

(7) Operation of cobalt radiation therapy units;

(8) Operation of gamma knives.

~~(C)~~ (D) "Hospital" means an institution or facility that provides inpatient medical or surgical services for a continuous period longer than twenty-four hours. "Hospital" includes a children's hospital.

~~(D)~~ (E) "Owner" means the person, political subdivision, agency, or instrumentality of this state, including a state university, that owns a hospital and holds a license to operate the hospital.

(F) "Real estate investment trust" has the same meaning as in 26 U.S.C. 856.

(G) "Remote location," as it relates to a hospital, has the same meaning as in 42 C.F.R. 413.65.

(H) "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

~~(E)~~ (I) "State university" has the same meaning as in section 3345.12 of the Revised Code.

Sec. 3722.03. (A) Subject to division (D) of this section, each person or political subdivision, agency, or instrumentality of this state, including a state university, seeking to operate a hospital shall apply to the director of health for a license to operate a hospital.

The director of health shall not consider any application for licensure until the date that is one year after ~~the effective date of this section~~ September 30, 2021. An application shall be submitted in the form and manner prescribed by the director in rules adopted under section 3722.06 of the Revised Code.

(B) To be eligible for a license, an applicant must satisfy all of the following:

(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code;

(2) Demonstrate that the applicant does not lease from a health care real estate investment trust the building or buildings in which the main hospital and, if applicable, any of its remote locations are located;

(3) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code;

~~(3)~~(4) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code;

~~(4)~~(5) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds.

(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital.

(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and

may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code.

(3) Both of the following apply to a license issued under this section:

(a) The license is valid only for the hospital identified in the application.

(b) The license holder shall post a copy of the license in a conspicuous place in the hospital.

(D) This section does not prohibit the director of health from issuing a license to a hospital that does either or both of the following:

(1) Occupies space in a building that is also used by another hospital or hospitals;

(2) Occupies one or more buildings located on the same campus as buildings used by another hospital or hospitals.

Sec. 3722.031. (A) Except as provided in division (B) of this section, an owner issued a license to operate a hospital under section 3722.03 or 3722.04 of the Revised Code shall not lease from a health care real estate investment trust the building or buildings in which the main hospital and, if applicable, any of its remote locations are located.

(B) The prohibition described in division (A) of this section does not apply to an owner that, on the effective date of this section, leases from a health care real estate investment trust the building or buildings in which the main hospital and, if applicable, any of its remote locations are

located.

(C) Not later than ninety days after the effective date of this section, an owner meeting the condition described in division (B) of this section shall submit to the director of health copies of all documents in the owner's possession related to any lease, master lease, sublease, license, or other agreement concerning the use or occupancy of the building or buildings in which the main hospital and, if applicable, any of its remote locations are located.

Sec. 3722.04. ~~If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code.~~ (A) As used in this section:

(1) "Entering owner" means the person, political subdivision, agency, or instrumentality of this state, including a state university, that will become the owner and operator of a hospital when a change of owner occurs.

(2) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the entering owner.

(a) An individual who is a relative of an entering owner is a related party.

(b) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or

equity exists when an individual or individuals possess five per cent ownership or equity in both the entering owner and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the entering owner and another organization from which the entering owner purchases or leases real property.

(c) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(d) An individual or organization that supplies goods or services to an entering owner shall not be considered a related party if all of the following conditions are met:

(i) The supplier is a separate bona fide organization.

(ii) A substantial part of the supplier's business activity of the type carried on with the entering owner is transacted with others than the entering owner and there is an open, competitive market for the types of goods or services the supplier furnishes.

(iii) The types of goods or services are commonly obtained by other hospitals from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by hospitals.

(iv) The charge to the entering owner is in line with the charge for the goods or services in the open market and not more than the charge made under comparable circumstances to others by the supplier.

(B) If a change of owner is proposed for a hospital for which a license to operate has been issued under this chapter, a person or political subdivision, agency, or instrumentality of

the state, including a state university, seeking to operate the hospital as its entering owner shall apply to the director of health for a license to operate the hospital.

An application shall be submitted not later than forty-five days before the date of the proposed change of owner, except that the director may waive that timeline in the event of an emergency.

(C) To be eligible for the license, an applicant shall satisfy all of the following:

(1) Submit a complete application and pay the change of owner fee specified in rules adopted under section 3722.06 of the Revised Code;

(2) Identify the one or more individuals, that own, directly or indirectly, at least five per cent of each of the following:

(i) The entering owner, if the entering owner is an entity;

(ii) The owner of the building or buildings in which the main hospital and, if applicable, any of its remote locations are located, if the owner of the building or buildings differs from the entering owner;

(iii) Each related party that provides or will provide services to the hospital, through contracts with any individual identified in division (C)(2) of this section.

(3) With respect to an individual identified as described in division (C)(2) of this section, disclose the exact percentage of the individual's ownership interest;

(4) Disclose the following:

(a) Whether or not an individual identified in division (C)(2) of this section owns or owned, directly or indirectly, an interest in a hospital licensed by the director or by another state;

(b) With respect to the hospital described in division (C)(4)(a) of this section, whether or not any of the following events occurred within the five years immediately preceding the date of application:

(i) The hospital closed, either voluntarily or involuntarily;

(ii) The hospital or its owner was the subject of voluntary or involuntary bankruptcy proceedings;

(iii) The hospital or its owner was the subject of voluntary or involuntary receivership proceedings;

(iv) The hospital's license to operate was suspended, denied, or revoked;

(v) The hospital was the subject of injunction proceedings initiated by a regulatory agency;

(vi) A civil or criminal action was filed against the hospital by a state or federal entity.

(4) Provide any additional information that the director of health considers necessary.

(D) Except for an application identifying direct or indirect ownership of at least fifty per cent of the entering owner, the applicant also shall submit to the director evidence of a bond in an amount not less than the product of the number of beds reported by the hospital in its most recent license application or renewal, multiplied by ten thousand dollars.

(1) The bond shall be renewed, replaced, or maintained for five years after the effective date of the change of owner. The aggregate liability of a surety shall not exceed the sum of the bond, which is not cumulative from period to period. If the bond is not renewed, replaced, or maintained in accordance with this division, the director shall revoke the hospital's license after providing thirty days' notice to the owner. The bond shall be released five years after the effective date of the change of owner if none of the events described in division (C)(2) of this section have occurred.

(2) The director may utilize the bond required under this division to pay expenses incurred by the director or another state official or agency if any of the following occur during the five-year period for which the bond is required:

(a) The hospital is voluntarily or involuntarily closed.

(b) The hospital or its owner is the subject of voluntary or involuntary bankruptcy proceedings.

(c) The hospital or its owner is the subject of voluntary or involuntary receivership proceedings.

(d) The license to operate the hospital is suspended, denied, or revoked.

(e) The hospital undergoes a change of ownership, unless the new applicant submits a bond in accordance with this section.

(E) The applicant also shall demonstrate to the director that the entering owner or person who will have operational control of the hospital has at least five years of experience with operational control of a hospital licensed by the director or by another state.

(F) The applicant also shall attest to the director all of the following:

(1) That the entering owner has developed quality assurance and risk management plans for the hospital's operation;

(2) That the entering owner has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate;

(3) That sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of hospital patients.

(G) As soon as practicable after receiving a completed application, the director shall review it to determine if the requirements of this section, rules adopted under this section, or rules regarding changes of owner adopted under section 3722.06 of the Revised Code have been met. If the director makes such a determination, the director shall issue to the applicant a notice of intent to grant a change of owner license, with the license's issuance contingent on the submission of documents evidencing completion of the change of owner transaction.

(H) The director shall deny a change of owner application if any of the following is the case:

(1) The requirements of this section, any rules adopted under it, or any rules regarding changes of owner adopted under section 3722.06 of the Revised Code have not been met.

(2) The owner of the building or buildings in which the main hospital and, if applicable, any of its remote locations are located is a health care real estate investment trust and

the director has determined that the entering owner plans to lease the building or buildings from such trust.

(3) The entering owner or individual identified in division (C)(2) of this section as owning, directly or indirectly, twenty-five per cent or more of the entering owner meets both of the following criteria:

(a) The entering owner or individual has or had either of the following relationships with a currently or previously licensed hospital by the director or by another state:

(i) Fifty per cent or more direct or indirect ownership in the hospital;

(ii) Alone or together with one or more other persons, operational control of the hospital.

(b) Any of the following occurred with respect to the current or previously licensed hospital described in division (H)(3)(a) of this section within the five years immediately preceding the date of application:

(i) Involuntary closure of the hospital by a regulatory agency or voluntary closure in response to licensure or certification action;

(ii) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days of filing for bankruptcy;

(iii) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days of the proceedings' initiation;

(iv) License suspension, denial, or revocation for failure to comply with operating standards.

(4) If a change of twenty-five per cent or more of the property ownership interest in a hospital occurs in connection with the change of owner, the person who acquired the property ownership interest meets both of the following criteria:

(a) The person has or had either of the following relationships to a hospital currently or previously licensed by the director or by another state:

(i) Fifty per cent or more direct or indirect property ownership in the hospital;

(ii) Alone or together with one or more other persons, operational control of the hospital.

(b) Any of the following occurred with respect to the current or previously licensed hospital described in division (H)(4)(a) of this section within the five years immediately preceding the date of application:

(i) Involuntary closure of the hospital by a regulatory agency or voluntary closure in response to licensure or certification action;

(ii) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days of filing for bankruptcy;

(iii) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days of the proceedings' initiation;

(iv) License suspension, denial, or revocation for failure to comply with operating standards.

(I) An applicant may appeal, in accordance with Chapter 119. of the Revised Code, the denial of a change of owner license.

(J) An entering owner shall do all of the following:

(1) As soon as practicable after the entering owner discovers an error, omission, or change of information in the entering owner's application submitted under this section, notify the director of the error, omission, or change;

(2) When a change in the information or documentation required by this section occurs after the change of owner license is issued, notify the director of the change in the information or documentation within ten days of its occurrence;

(3) Truthfully supply to the director any additional information or documentation that the director requests;

(4) Refrain from completing the change of owner transaction until after the director issues to the entering owner notice of the director's intent to grant a change of owner as described in division (G) of this section;

(5) Not later than five days after completing the change of owner transaction, submit to the director the final document evidencing its completion.

If an entering owner fails to notify the director or to supply additional information or documentation as required by divisions (J)(1) to (3) of this section, the director shall impose on the entering owner a civil penalty of two thousand dollars for each day of noncompliance.

(K)(1) The director shall investigate either of the following:

(a) An allegation that a change of owner has occurred and the entering owner failed to submit an application under this section;

(b) An allegation that an application filed under this section included information that was fraudulent.

The director may request the attorney general's assistance in conducting such an investigation.

(2) If the director becomes aware, by means of an investigation or otherwise, that either of the events described in division (K)(1) of this section are the case, the director shall impose on the entering owner a civil penalty of two thousand dollars for each day of noncompliance after the date the change of owner has occurred.

If the entering owner fails to submit an application or new application for a change of owner license within sixty days of the director becoming aware of the change of owner, the director shall begin the process for license revocation specified in section 3722.07 of the Revised Code.

(L) The ~~new~~ entering owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been served under sections 119.05 and 119.07 of the Revised Code, the ~~new~~ entering owner becomes party to the notice.

(M) In addition to the rules establishing procedures for changing owners required by section 3722.06 of the Revised Code, the director may adopt any other rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(N) It is the intent of the general assembly in amending this section to require full and complete disclosure and transparency with respect to the ownership, operation, and management of each licensed hospital undergoing a change of

owner.

Sec. 3722.06. (A) Not later than the date that is one year after ~~the effective date of this section~~ September 30, 2022, the director of health shall adopt rules establishing health, safety, welfare, and quality standards for hospitals licensed under this chapter, including standards for all of the following:

(1) Maternity units;

(2) Newborn care nurseries;

(3) Health care services.

(B) Not later than the date that is one year after ~~the effective date of this section~~ September 30, 2022, the director shall adopt rules establishing standards and procedures for the licensure of hospitals, including all of the following:

(1) Procedures for applying and renewing licenses as described in section 3722.03 of the Revised Code;

(2) Procedures for ~~transferring licenses~~ changing owners as described in section 3722.04 of the Revised Code;

(3) Procedures for inspections following complaints;

(4) Subject to division (C)(1) of this section, fees for initial applications, license renewals, and ~~license transfers~~changes of owner, as well as inspections conducted under section 3722.05 of the Revised Code;

(5) Subject to division (C)(2) of this section, standards and procedures for imposing civil penalties as described in section 3722.07 of the Revised Code;

(6) Subject to division (C)(3) of this section, standards

and procedures for correcting violations, including through the submission of correction plans;

(7) Standards and procedures for identifying, monitoring, managing, reporting, and reducing exposures to risk conditions, such as Legionella, including through the use of environmental facility assessments, the development of water management plans, and the use of disinfection measures;

(8) Standards and procedures for data reporting;

(9) Standards and procedures for emergency preparedness;

(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;

(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division ~~(B)(2)~~ (B)(3) of section 3722.03 of the Revised Code;

(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.

(C)(1) In the case of an inspection fee described in division (B)(4) of this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established under that division shall be limited to what is necessary to support the hospital licensure program.

(2) The director shall establish a scale for use in determining the amount of a civil penalty that may be imposed under section 3722.07 of the Revised Code. The scale shall include per day amounts for ongoing violations. The total amount of a civil penalty shall not exceed two hundred fifty thousand

dollars for each violation.

(3) The director shall accept a corrective action plan that also was accepted by the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) provided that the plan was submitted to the centers or organization in response to the same deficiencies identified by the director.

(D) The director may adopt any other rules as necessary to implement this chapter.

(E) When adopting rules under this section, all of the following apply:

(1) The director shall adopt the rules in accordance with Chapter 119. of the Revised Code;

(2) Any rules adopted are not subject to division (F) of section 121.95 of the Revised Code;

(3) The director shall collaborate with representatives of this state's hospital industry to maximize the public health utility of rules adopted under this section and limit the administrative burden of and costs of complying with such rules.

(4) The director shall not adopt rules that conflict with requirements under federal laws or regulations.

Sec. 3722.13. All initial license fees, renewal fees, change of owner fees, fees for inspections conducted by the director of health and civil penalties collected under this chapter shall be deposited in the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code. The moneys shall be used solely for purposes of administering and enforcing this chapter and the rules

adopted under it.

Sec. 3728.01. As used in this chapter:

(A) "Administer epinephrine" means to inject an individual with epinephrine using an autoinjector in a manufactured dosage form.

(B) "Peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes a sheriff.

(C) "Prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;

(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(3) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(D) "Qualified entity" means either of the following:

(1) Any public or private entity that is associated with a location where allergens capable of causing anaphylaxis may be present, including child care centers, colleges and universities, places of employment, restaurants, amusement parks, recreation camps, sports playing fields and arenas, and other similar locations, except that "qualified entity" does not

include either of the following:

(a) A chartered or nonchartered nonpublic school; community school; science, technology, engineering, and mathematics school; college-preparatory boarding school; or a school operated by the board of education of a city, local, exempted village, or joint vocational school district, as those entities are otherwise authorized to procure epinephrine autoinjectors pursuant to sections 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code;

(b) A camp described in section ~~5101.76~~ 5180.26 of the Revised Code that is authorized to procure epinephrine autoinjectors pursuant to that section;

(2) Either of the following served by a peace officer: a law enforcement agency or other entity described in division (A) of section 109.71 of the Revised Code.

Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are

generated to render them noninfectious by methods, techniques, or practices prescribed by rules adopted under division (B)(2)(a) of this section before they are transported off that premises for disposal or ensure that such wastes are treated to render them noninfectious at an infectious waste treatment facility off that premises prior to disposal of the wastes;

(ii) Transport and dispose of infectious wastes, if a generator produces fewer than fifty pounds of infectious wastes during any one month that are subject to and packaged and labeled in accordance with federal requirements, in the same manner as solid wastes. Such generators who treat specimen cultures and cultures of viable infectious agents on the premises where they are generated shall not be considered treatment facilities as "treatment" and "facility" are defined in section 3734.01 of the Revised Code.

(iii) Dispose of infectious wastes subject to and treated in accordance with rules adopted under division (B)(1)(a)(i) of this section in the same manner as solid wastes;

(iv) May take wastes generated in providing care to a patient by an emergency medical services organization, as defined in section 4765.01 of the Revised Code, to and leave them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility regardless of whether the wastes were generated in providing care to the patient at the scene of an emergency or during the transportation of the patient to a hospital;

(v) May take wastes generated by an individual for purposes of the individual's own care or treatment to and leave

them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility.

(b) Each generator of fifty pounds or more of infectious wastes during any one month:

(i) Register with the environmental protection agency as a generator of infectious wastes and obtain a registration certificate. ~~The fee for issuance of a generator registration certificate is one hundred forty dollars payable at the time of application.~~ The registration certificate applies to all the premises owned or operated by the generator in this state where infectious wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the treatment of infectious wastes it generates, the certificate shall list the address and method of treatment used at each such facility.

A generator registration certificate is valid for three years from the date of issuance and shall be renewed for a term of three years upon the generator's submission of an application for renewal ~~and payment of a one hundred forty dollar renewal fee~~.

The rules may establish a system of staggered renewal dates with approximately one-third of such certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. ~~Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year.~~

~~The registration and renewal fees collected under division~~

~~(B)(1)(b)(i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.~~

(ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined as infectious wastes under section 3734.01 of the Revised Code, as infectious wastes. After designating any such other wastes as infectious, the generator shall manage those wastes in compliance with the requirements of this chapter and rules adopted under it applicable to the management of infectious wastes.

(iii) Either treat the infectious wastes that it generates at a facility owned or operated by the generator by methods, techniques, or practices prescribed by rules adopted under division (B)(2)(a) of this section to render them noninfectious, or designate the wastes for treatment off that premises at an infectious waste treatment facility holding a license issued under division (B) of section 3734.05 of the Revised Code, at an infectious waste treatment facility that is located in another state that is in compliance with applicable state and federal laws, or at a treatment facility authorized by rules adopted under division (B)(2)(d) of this section, prior to disposal of the wastes. After being treated to render them noninfectious, the wastes shall be disposed of at a solid waste disposal facility holding a license issued under division (A) of section 3734.05 of the Revised Code or at a disposal facility in another state that is in compliance with applicable state and federal laws.

(iv) Not compact or grind any type of infectious wastes prior to treatment in accordance with rules adopted under division (B)(2)(a) of this section;

(v) May discharge untreated liquid or semiliquid infectious wastes consisting of blood, blood products, body fluids, and excreta into a disposal system, as defined in section 6111.01 of the Revised Code, unless the discharge of those wastes into a disposal system is inconsistent with the terms and conditions of the permit for the system issued under Chapter 6111. of the Revised Code;

(vi) May transport or cause to be transported infectious wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported.

(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that:

(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director;

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on

which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and

practices prescribed in rules adopted under division (B)(2)(a) of this section.

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises.

(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities.

(F)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules

adopted under it, and Chapter 3745. of the Revised Code.

(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data.

(3) The director may hold a public hearing on an application submitted under division (F) of this section for a variance at a location in the county in which the operations that are the subject of the application for a variance or renewal of variance are conducted. Not less than twenty days before the hearing, the director shall provide to the applicant notice of the hearing by certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the hearing is to be held or may instead provide public notice by publication on the environmental protection agency's web site. The director shall make a complete stenographic record or electronic record of testimony and other evidence submitted at the hearing. Not later than ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing.

(4) A variance shall not be issued, modified, revoked, or

denied under division (F) of this section until the director has considered the relative interests of the applicant, other persons and property that will be affected by the variance, and the general public. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that the requested action will not create a nuisance or a hazard to the health or safety of the public or to the environment. In granting a variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed on the applicant in place of the provision or provisions.

(5) A variance granted under division (F) of this section shall be for a period specified by the director and may be renewed from time to time on terms and for periods that the director determines to be appropriate. The director may order the person to whom a variance has been issued to take action within the time that the director determines to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this section shall not be denied and a variance shall not be revoked or modified under that division without a written order of the director stating the findings on which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or holder of a variance by certified mail or by another type of mail that is accompanied by a receipt.

(7) The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances submitted under division (F) of this section and a

current schedule of pending variance hearings under it.

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(6) and (7) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing solid waste facility shall procure a license under this division to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (A)(2) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of a solid waste facility, and upon consent of the board of health and the

director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with this chapter and rules adopted under it. The terms and conditions may establish the authorized maximum daily waste receipts for the facility. Limitations on maximum daily waste receipts shall be specified in cubic yards of volume for the purpose of regulating the design, construction, and operation of solid waste facilities. Terms and conditions included in a license or revision to a license by a board of health shall be consistent with, and pertain only to the subjects addressed in, the rules adopted under division (A) of section 3734.02 and division (D) of section 3734.12 of the Revised Code.

(2)(a) Except as provided in divisions (A)(2)(b), (6), and (7) of this section, each person proposing to open a new solid waste facility or to modify an existing solid waste facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code at least two hundred seventy days before proposed operation of the facility ~~and~~ . The applicant shall concurrently ~~make~~ do both of the following:

(i) Make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the proposed facility is to be located;

(ii) Submit with such permit application a community impact analysis that evaluates the impact of the proposed solid

waste disposal facility on the local economy and considers mitigation measures to minimize adverse impacts on the host community.

Upon submitting the permit application, the applicant shall maintain a publicly accessible web site that includes the permit application and supporting documents, the community impact analysis, and public involvement information.

(b) On and after the effective date of the rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, each person proposing to open a new solid waste transfer facility or to modify an existing solid waste transfer facility shall submit an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the environmental protection agency for required approval under those rules at least two hundred seventy days before commencing proposed operation of the facility and concurrently shall make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the facility is located or proposed.

(c) Each application for a permit under division (A)(2)(a) or (b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (A)(1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to

the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division ~~(Q)~~ (P) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than forty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county.

Not less than thirty days before holding the public meeting on the application, the applicant shall use best efforts to notify property owners of record as depicted in the records of the county auditor, who are located within three miles of the proposed facility boundary, of the date, time, and location of the applicant's public meeting. The applicant shall provide such notice either by certified mail or by any method capable of documenting the intended recipient's receipt of notice. ~~Not~~

Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. ~~Not~~

Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. ~~At~~

At the public meeting, the applicant shall provide information and describe the application and respond to comments or questions concerning the application, and the officer or employee of the agency shall describe the permit application process. At the public meeting, any person may submit written or

oral comments on or objections to the application. ~~Not~~

Not more than thirty days after the public meeting, the applicant shall provide the director with a copy of a transcript of the full meeting, copies of any exhibits, displays, or other materials presented by the applicant at the meeting, and the original copy of any written comments submitted at the meeting.

Within two hundred seventy days after submitting the transcript of the applicant's meeting, the applicant shall hold a public community involvement session on the application regarding the proposed new facility or, if the application involves a modification for the expansion of a facility, the proposed modified facility. The applicant shall hold the session within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county.

Not less than thirty days before holding the public community involvement session, the applicant shall use best efforts to notify all property owners of record as depicted in the records of the county auditor, that are located within three miles of the proposed facility boundary, of the date, time, and location of the public community involvement session. The applicant shall provide such notice either by certified mail or by any method capable of documenting the intended recipient's receipt of notice.

Not less than thirty days before holding the public community involvement session, the applicant shall publish notice of the session in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. The notice shall contain the date, time, and location of the community involvement session, a general

description of the proposed new or modified facility, and the address to the publicly accessible web site maintained by the applicant that includes the permit application and supporting documents, community impact analysis, and public involvement information.

At the public community involvement session, the applicant shall provide information about and describe the application and community impact analysis and respond to comments or questions concerning the application and community impact analysis. In addition, any person may submit written or oral comments on or objections to the application or community impact analysis.

Not more than thirty days after the public community involvement session, the applicant shall provide the director with a copy of a transcript of the full session and copies of any exhibits, displays, or other materials presented by the applicant at the session.

(e) Except as provided in division (A)(2)(f) of this section, prior to taking an action, other than a proposed or final denial, upon an application submitted under division (A)(2)(a) of this section for a permit to open a new or modify an existing solid waste facility, the director shall hold a public information session and a public hearing on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. If the application is for a permit to open a new solid waste facility, the director shall hold the hearing not less than fourteen days after the information session. If the application is for a permit to modify an existing solid waste facility, the director may hold both the information session and the hearing on the same day unless any individual affected by

the application requests in writing that the information session and the hearing not be held on the same day, in which case the director shall hold the hearing not less than fourteen days after the information session. The director shall publish notice of the public information session or public hearing not less than thirty days before holding the information session or hearing, as applicable. The notice shall be published in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located~~. If no newspaper of general circulation is published in the county, the director shall publish the notice in a newspaper of general circulation in the county~~ or by publication on the environmental protection agency's official web site. The notice shall contain the date, time, and location of the information session or hearing, as applicable, and a general description of the proposed new or modified facility. At the public information session, an officer or employee of the environmental protection agency shall describe the status of the permit application and be available to respond to comments or questions concerning the application. At the public hearing, any person may submit written or oral comments on or objections to the approval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the information session and hearing.

(f) The solid waste management policy committee of a county or joint solid waste management district may adopt a resolution requesting expeditious consideration of a specific

application submitted under division (A)(2)(a) of this section for a permit to modify an existing solid waste facility within the district. The resolution shall make the finding that expedited consideration of the application without the public information session and public hearing under division (A)(2)(e) of this section is in the public interest and will not endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Upon receiving such a resolution, the director, at the director's discretion, may issue a final action upon the application without holding a public information session or public hearing pursuant to division (A)(2)(e) of this section.

(3) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of a solid waste facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(4) The director shall act upon any updated engineering plans, specifications, and information submitted under division (A)(3) of this section within one hundred eighty days after receiving them. If the director issues an order disapproving the

plans, specifications, and information submitted under division (A)(3) of this section, the order shall include all of the following requirements:

(a) That the owner or operator submit a plan for closure and post-closure care of the facility to the director for approval within six months after issuance of the order;

(b) That the owner or operator cease accepting solid wastes for disposal or transfer at the facility; and

(c) The owner or operator commence closure of the facility not later than one year after issuance of the order.

If the director determines that closure of the facility within that one-year period would result in the unavailability of sufficient solid waste management facility capacity within the county or joint solid waste management district in which the facility is located to dispose of or transfer the solid waste generated within the district, the director in the order of disapproval may postpone commencement of closure of the facility for such period of time as the director finds necessary for the board of county commissioners or directors of the district to secure access to or for there to be constructed within the district sufficient solid waste management facility capacity to meet the needs of the district, provided that the director shall certify in the director's order that postponing the date for commencement of closure will not endanger ground water or any property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage.

If an emergency need for disposal capacity that may affect public health and safety exists as a result of closure of a

facility under division (A)(4) of this section, the director may issue an order designating another solid waste facility to accept the wastes that would have been disposed of at the facility to be closed.

(5) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water pollution, or endanger public health or safety, the director may issue a permit for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition.

(6) Divisions (A)(1) and (2)(a) of this section do not apply to a solid waste compost facility that accepts exclusively source separated yard wastes and that is registered under division (C) of section 3734.02 of the Revised Code or, unless otherwise provided in rules adopted under division (N)(3) of section 3734.02 of the Revised Code, to a solid waste compost facility if the director has adopted rules establishing an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility under that division.

(7) Divisions (A)(1) to (5) of this section do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. The approval of plans and specifications,

as applicable, and the issuance of registration certificates, permits, and licenses for those facilities are subject to sections 3734.75 to 3734.78 of the Revised Code, as applicable, and section 3734.81 of the Revised Code.

(B)(1) No person shall operate or maintain an infectious waste treatment facility without a license issued by the board of health of the health district in which the facility is located or by the director when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

(2)(a) During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing infectious waste treatment facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license,

upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with the infectious waste provisions of this chapter and rules adopted under them.

(b) Each person proposing to open a new infectious waste treatment facility or to modify an existing infectious waste treatment facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to section 3734.021 of the Revised Code two hundred seventy days before proposed operation of the facility and concurrently shall make application for a license with the board of health of the health district in which the facility is or is proposed to be located. Not later than ninety days after receiving a complete application under division (B)(2)(b) of this section for a permit to open a new infectious waste treatment facility or modify an existing infectious waste treatment facility to expand its treatment capacity, or receiving a complete application under division (A)(2)(a) of this section for a permit to open a new solid waste incineration facility, or modify an existing solid waste incineration facility to also treat infectious wastes or to increase its infectious waste treatment capacity, that pertains to a facility for which a notation authorizing infectious waste treatment is included or proposed to be included in the solid waste incineration facility's license pursuant to division (B)(3) of this section, the director shall hold a public hearing on the application within the county in

which the new or modified infectious waste or solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public hearing on the application, the director shall publish notice of the hearing in each newspaper that has general circulation and that is published in the county in which the facility is or is proposed to be located~~. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county~~ or by publication on the environmental protection agency's official web site. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments on or objections to the approval or disapproval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created

in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division ~~(O)~~ (P) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(e) The director shall act on any updated engineering plans, specifications, and information submitted under division (B)(2)(d) of this section within one hundred eighty days after receiving them. If the director disapproves any such updated engineering plans, specifications, and information, the director shall include in the order disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to a generator of infectious wastes that meets any of the following conditions:

(a) Treats, by methods, techniques, and practices established by rules adopted under division (B)(2)(a) of section 3734.021 of the Revised Code, any of the following wastes:

(i) Infectious wastes that are generated on any premises that are owned or operated by the generator;

(ii) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;

(iii) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to

obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes.

The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B)(2)(b) of section 3734.021 of the Revised Code.

(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such earlier time as the director may establish by rule. If the application is for a proposed new hazardous waste disposal or thermal treatment facility, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located at least ninety days before the permit application is submitted to the environmental protection agency.

In accordance with rules adopted under section 3734.12 of the Revised Code, prior to the submission of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility. The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.

(D)(1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D)(2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this

section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Fires or explosions from treatment, storage, or disposal methods;

(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;

(iii) Adverse impact on the public health and safety.

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the

"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show

that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any candidate area located in this state identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of filing of the application for the permit, unless the facility will be used exclusively for the storage of hazardous waste generated within the park or recreation area in conjunction with the operation of the park or recreation area. Division (D)(2)(h) of this section does not apply to the facility of any applicant for modification of a permit unless the modification application

proposes to increase the land area included in the facility or to increase the quantity of hazardous waste that will be treated, stored, or disposed of at the facility.

(3) Not later than one hundred eighty days after the end of the public comment period, the director, without prior hearing, shall issue or deny the permit in accordance with Chapter 3745. of the Revised Code. If the director approves an application for a hazardous waste facility installation and operation permit, the director shall issue the permit, upon such terms and conditions as the director finds are necessary to ensure the construction and operation of the hazardous waste facility in accordance with the standards of this section.

(E) No political subdivision of this state shall require any additional zoning or other approval, consent, permit, certificate, or condition for the construction or operation of a hazardous waste facility authorized by a hazardous waste facility installation and operation permit issued pursuant to this chapter, nor shall any political subdivision adopt or enforce any law, ordinance, or rule that in any way alters, impairs, or limits the authority granted in the permit.

(F) The director may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment.

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director by this chapter or the rules adopted under it.

(H)(1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft renewal permit or notice of intent to deny the renewal permit, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of

the public comment period, the director, without prior hearing, shall issue or deny the renewal permit in accordance with Chapter 3745. of the Revised Code. The director shall not issue a renewal permit unless the director determines that the facility under the existing permit has a history of compliance with this chapter, rules adopted under it, the existing permit, or orders entered to enforce such requirements that demonstrates sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit. If the director approves an application for a renewal permit, the director shall issue the permit subject to the payment of the annual permit fee required under division (E) of section 3734.02 of the Revised Code and upon such terms and conditions as the director finds are reasonable to ensure that continued operation, maintenance, closure, and post-closure care of the hazardous waste facility are in accordance with the rules adopted under section 3734.12 of the Revised Code.

(3) An installation and operation permit renewal application submitted to the director that also contains or would constitute an application for a modification shall be acted upon by the director in accordance with division (I) of this section in the same manner as an application for a modification. In approving or disapproving the renewal portion of a permit renewal application containing an application for a modification, the director shall apply the criteria established under division (H)(2) of this section.

(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D)(2) of this section.

(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, a modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for any off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon

the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent

over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules

adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

As used in division (I) of this section:

(a) "Owner" means the person who owns a majority or controlling interest in a facility.

(b) "Operator" means the person who is responsible for the overall operation of a facility.

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within sixty days after receiving the request for modification. The director shall approve or disapprove an application for a Class 2 modification within three hundred days after receiving the request for modification. The director shall approve or disapprove an application for a Class 3 modification within three hundred sixty-five days after receiving the request for modification.

(6) The approval or disapproval by the director of a Class 1 modification application is not a final action that is appealable under Chapter 3745. of the Revised Code. The approval or disapproval by the director of a Class 2 modification or a Class 3 modification is a final action that is appealable under that chapter. In approving or disapproving a request for a modification, the director shall consider all comments pertaining to the request that are received during the public comment period and the public meetings. The administrative record for appeal of a final action by the director in approving or disapproving a request for a modification shall include all comments received during the public comment period relating to the request for modification, written materials submitted at the public meetings relating to the request, and any other documents related to the director's action.

(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E)(3)(a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I)(1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J)(1) Except as provided in division (J)(2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J)(1)(a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal. The application shall be accompanied by information necessary to support the request. The director shall approve or disapprove an application for a hazardous waste facility installation and operation permit in accordance with division (D) of this section and approve or disapprove an application for a modification in accordance with division (I)

(3) of this section, except that the director shall not disapprove an application for the thermal treatment activities on the basis of the criteria set forth in division (D)(2)(g) or (h) of this section.

(3) As used in division (J) of this section:

(a) "Modification application" means a request for a modification submitted in accordance with division (I) of this section.

(b) "Thermal treatment," "boiler," and "industrial furnace" have the same meanings as in rules adopted under section 3734.12 of the Revised Code.

(K) The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code in order to implement divisions (H) and (I) of this section. Except when in actual conflict with this section, rules governing the classification of and procedures for the modification of hazardous waste facility installation and operation permits shall be substantively and procedurally identical to the regulations governing hazardous waste facility permitting and permit modifications adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

Sec. 3734.281. Except as otherwise provided in section 3734.282 of the Revised Code, moneys collected from ~~judgements~~ judgments for the state or settlements with the director of environmental protection, including those associated with bankruptcies, related to actions brought under ~~Chapter~~ Chapters 3704. and 3714. of the Revised Code, and ~~section~~ sections 3734.13, 3734.20, 3734.22, 6111.03, ~~or~~ and 6111.04 of the

Revised Code; and moneys received under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, may be paid into the state treasury to the credit of the environmental protection remediation fund, which is hereby created. The environmental protection agency shall use the moneys in the fund only for the purpose of remediating conditions at a hazardous waste facility, a solid waste facility, a construction and demolition debris facility licensed under Chapter 3714. of the Revised Code, or another location at which the director has reason to believe there is a substantial threat to public health or safety or the environment. Remediation may include the direct and indirect costs associated with the overseeing, supervising, performing, verifying, or reviewing of remediation activities by agency employees. All investment earnings of the fund shall be credited to the fund.

The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the responsibilities of the environmental protection agency for which money may be expended from the fund.

Sec. 3734.283. Notwithstanding sections 3734.20 and 3734.22 of the Revised Code, when performing a remediation at a facility or location for which money may be expended from the environmental protection remediation fund under section 3734.281 of the Revised Code, the director of environmental protection, through employees of the environmental protection agency or a contractor, may enter upon the land for any of the following purposes:

(A) Conducting remediation activities funded by the environmental protection remediation fund;

(B) Performing sampling and monitoring;

(C) Abating or preventing air or water pollution or soil contamination from the facility or location;

(D) Performing remediation activities;

(E) Removing, transporting, and disposing of waste or debris into a landfill authorized to accept the type of waste or debris being disposed.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes and construction and demolition debris in this state at a solid waste transfer facility or solid waste disposal facility:

(1) ~~Seventy-one~~ Fifty-five cents per ton ~~through June 30, 2026~~, ~~eleven~~ nine cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and ~~sixty~~ forty-six cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional ~~ninety~~ one dollar and thirty-five cents per ton ~~through June 30, 2026~~, ninety cents of the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code and forty-five cents of the proceeds of which shall be transmitted to the applicable board of health approved pursuant to section 3734.09 of the Revised Code;

(3) An additional two dollars and ~~eighty-one~~ fifteen cents per ton~~ through June 30, 2026~~, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton~~ through June 30, 2026~~, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code;

(5) An additional ~~eight~~ six cents per ton~~ through June 30, 2026~~, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code;

(6) An additional eighteen cents per ton, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in section 3736.03 of the Revised Code;

(7) An additional twenty-one cents per ton, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection remediation fund created in section 3734.281 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a

transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be

collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including

a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste

transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of

the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district

and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it

shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees. The committee shall determine if the resolution has been ratified in the same manner in which it determines if a draft solid waste management plan has been ratified under division (B) of section 3734.55 of the Revised Code.

The committee may amend the schedule of fees levied pursuant to a resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may repeal the fees levied pursuant to such a resolution by adopting a resolution proposing to repeal them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the new fees to be ratified or the fees to be repealed under this division, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the ratification and the amount of the fees or of the repeal of the fees. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

Fees levied under this division also may be established, amended, or repealed by a solid waste management policy committee through the adoption of a new district solid waste management plan, the adoption of an amended plan, or the amendment of the plan or amended plan in accordance with sections 3734.55 and 3734.56 of the Revised Code or the adoption or amendment of a district plan in connection with a change in

district composition under section 3734.521 of the Revised Code.

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall

notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second

month following the month in which notification is sent to the owner or operator. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township

for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or

adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under

section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall

be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any

approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county

district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district~~, if solid waste facilities are located within the district, for enforcement of~~ to administer and enforce this chapter~~ and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it~~,

other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the

costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by

the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

Sec. 3734.79. (A) Except as provided in division (B) of this section, each application for a permit submitted under sections 3734.76 to 3734.78 of the Revised Code shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code. If a permit is issued, the amount of the application fee paid shall be deducted from the amount of the applicable permit fee due under division ~~(R)~~ (Q) of section 3745.11 of the Revised Code.

(B) Division (A) of this section does not apply to an

application for a permit for a scrap tire storage facility submitted under section 3734.76 of the Revised Code if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

Sec. 3734.85. (A) ~~On and after the effective date of the rules adopted under sections 3734.70, 3734.71, 3734.72, and 3734.73 of the Revised Code, the~~ The director of environmental protection may take action under this section to abate accumulations of scrap tires, solid waste that results from open dumping, or construction and demolition debris that is illegally disposed of. If the director determines that such an accumulation ~~of scrap tires~~ constitutes a danger to the public health or safety or to the environment, the director shall issue an order under section 3734.13 of the Revised Code to the person responsible for the accumulation ~~of scrap tires~~ directing that person to remove the accumulation ~~of scrap tires~~ from the premises on which it is located and transport the tires to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code, or transport the solid waste or construction or demolition debris to a facility licensed under sections 3714.06 or 3734.05 of the Revised Code, as applicable, to such a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state. If the person responsible for causing the accumulation ~~of scrap tires~~ is a person different from the owner of the land on which the accumulation is located, the director may issue such an order to the landowner.

If the director is unable to ascertain immediately the

identity of the person responsible for causing the accumulation ~~of scrap tires~~, the director shall examine the records of the applicable board of health and law enforcement agencies to ascertain that person's identity. Before initiating any enforcement or removal actions under this division against the owner of the land on which the accumulation is located, the director shall initiate any such actions against the person that the director has identified as responsible for causing the accumulation ~~of scrap tires~~. Failure of the director to make diligent efforts to ascertain the identity of the person responsible for causing the accumulation ~~of scrap tires~~ or to initiate an action against the person responsible for causing the accumulation shall not constitute an affirmative defense by a landowner to an enforcement action initiated by the director under this division, or an order issued under section 3734.13 of the Revised Code, requiring immediate removal of any accumulation ~~of scrap tires~~.

Upon the written request of the recipient of an order issued under this division, the director may extend the time for compliance with the order if the request demonstrates that the recipient has acted in good faith to comply with the order. If the recipient of an order issued under this division fails to comply with each milestone established in the order within the period of time specified in the order or, if the time for compliance with the order was so extended, within that time, the director shall take such actions as the director considers reasonable and necessary to remove and properly manage the accumulation of scrap tires, solid waste, or construction and demolition debris located on the land named in the order. The director, through employees of the environmental protection agency or a contractor, may enter upon the land on which the

accumulation ~~of scrap tires~~ is located and remove and transport ~~them~~ the scrap tires to a scrap tire recovery facility for processing, to a scrap tire storage facility for storage, or to a scrap tire monocell or monofill facility for storage or disposal, or remove and transport the solid waste or construction and demolition debris to a facility licensed under sections 3714.06 or 3734.05 of the Revised Code, as applicable.

~~When performing a removal action under this section, the director also may remove, transport, and dispose of any of the following if the removal is required by the order issued under this division:~~

~~(1) Any additional solid wastes that were open dumped on the land named in the order;~~

~~(2) Any construction and demolition debris that was illegally disposed of on the land named in the order.~~

The director shall enter into contracts for the storage, disposal, or processing of scrap tires, solid waste, or construction and demolition debris removed through removal operations conducted under this section.

If a person to whom a removal order is issued under this division fails to comply with the order and if the director performs a removal action under this section, the person to whom the removal order is issued is liable to the director for the costs incurred by the director for conducting the removal operation. The costs incurred include the storage, transportation, processing, or disposal of the scrap tires ~~or any additional~~, solid wastes, or construction and demolition debris removed in accordance with this division, and the administrative and legal expenses incurred by the director in

connection with the removal operation. The director shall keep an itemized record of those costs. Upon completion of the actions for which the costs were incurred, the director may record the costs at the office of the county recorder of the county in which the accumulation of scrap tires, ~~additional~~ solid wastes, ~~and~~ or construction and demolition debris were located. The costs so recorded constitute a lien on the property on which the accumulation ~~of scrap tires, additional solid wastes, and construction and demolition debris were~~ was located until discharged. Upon the written request of the director, the attorney general shall bring a civil action against the person responsible for the accumulation ~~of the scrap tires~~ that ~~were~~ was the subject of the removal operation to recover the costs for which the person is liable under this division. Any money so received or recovered shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

If, in a civil action brought under this division, an owner of real property is ordered to pay to the director the costs of a removal action ~~that removed an accumulation of scrap tires from the person's land~~ or if a lien is placed on the person's land for the costs of such a removal action, and, in either case, if the landowner was not the person responsible for causing the accumulation ~~of scrap tires~~ so removed, the landowner may bring a civil action against the person who was responsible for causing the accumulation to recover the amount of the removal costs that the court ordered the landowner to pay to the director or the amount of the removal costs certified to the county recorder as a lien on the landowner's property, whichever is applicable. If the landowner prevails in the civil action against the person who was responsible for causing the accumulation ~~of scrap tires~~, the court, as it considers

appropriate, may award to the landowner the reasonable attorney's fees incurred by the landowner for bringing the action, court costs, and other reasonable expenses incurred by the landowner in connection with the civil action. A landowner shall bring such a civil action within two years after making the final payment of the removal costs to the director pursuant to the judgment rendered against the landowner in the civil action brought under this division upon the director's request or within two years after the director certified the costs of the removal action to the county recorder, as appropriate. A person who, at the time that a removal action was conducted under this division, owned the land on which the removal action was performed may bring an action under this division to recover the costs of the removal action from the person responsible for causing the accumulation ~~of scrap tires~~ so removed regardless of whether the person owns the land at the time of bringing the action.

Subject to the limitations set forth in division (G) of section 3734.82 of the Revised Code, the director may use moneys in the scrap tire management fund for conducting removal actions under this division. Any moneys recovered under this division shall be credited to the scrap tire management fund.

(B) The director shall initiate enforcement and removal actions under division (A) of this section in accordance with the following descending listing of priorities:

(1) Accumulations of scrap tires<u>, solid wastes, or construction and demolition debris</u> that the director finds constitute a fire hazard or threat to public health;

(2) Accumulations of scrap tires determined by the director to contain more than one million scrap tires;

(3) Accumulations of scrap tires, solid wastes, or construction and demolition debris in densely populated areas;

(4) Other accumulations of scrap tires, solid wastes, or construction and demolition debris that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance;

(5) Any other accumulations of scrap tires, solid wastes, or construction and demolition debris present on premises operating without a valid license issued under ~~section~~ sections 3714.06, 3734.05, or 3734.81 of the Revised Code, as applicable.

(C) The director shall not take enforcement and removal actions under division (A) of this section against the owner or operator of, or the owner of the land on which is located, any of the following:

(1) A premises where not more than one hundred scrap tires are present at any time;

(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:

(a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.

(b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.

(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;

(4) The premises of a business that removes tires from

motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet;

(5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet;

(6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;

(7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;

(8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code;

(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;

(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;

(11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.

(D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap

tires, solid wastes, or construction and demolition debris, ~~abate~~ abating a nuisance, or ~~seek~~ seeking any other appropriate relief.

(E) An owner of real property is not liable under division (A) of this section for the cost of the removal of up to ten thousand scrap tires on the owner's property, or more at the director's discretion, and no lien shall attach to the property under this section, if all of the following conditions are met:

(1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise.

(2) The owner of the property did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property.

(3) The owner of the property did not participate in or consent to the placing of the tires on the property.

(4) The owner of the property received no financial benefit from the placing of the tires on the property or otherwise having the tires on the property.

(5) Title to the property was not transferred to the owner for the purpose of evading liability under division (A) of this section.

(6) The person responsible for placing the tires on the property, in doing so, was not acting as an agent for the owner of the property.

(F) An owner of real property is not liable under division

(A) of this section for the cost of the removal of at least one hundred scrap tires that were aggregated on the owner's property from multiple other properties when such scrap tires are collected during a community cleanup event approved by the environmental protection agency, and no lien shall attach to the owner's property under this section as a result of such event.

(G) A county, municipal corporation, township, or county land reutilization corporation organized under Chapter 1724. of the Revised Code is not liable under division (A) of this section for the cost of the removal of up to ten thousand scrap tires, or more at the director's discretion, and no lien shall attach to the property under this section when scrap tires were placed on the property prior to acquisition.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of ~~fifty cents~~ one dollar per tire is hereby levied on the sale of tires. ~~The~~

(2) The proceeds of the fee shall be deposited as follows:

(a) One half in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code~~. The fee is levied from the first day of the~~

~~calendar month that begins next after thirty days from October 29, 1993, through June 30, 2026.~~

~~(2) Beginning on July 1, 2011, and ending on June 30, 2026, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited ;~~

(b) One half in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3734.904. (A) By the twentieth day of each month, each person required to pay the fee imposed by section 3734.901 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of the fee due for the preceding month~~ after deduction of any discount provided for under division (E) of this section~~. The return shall be signed by the person required to file it, or an authorized employee, officer, or agent. The return shall be deemed filed when received by the tax commissioner.

(B) Any person required by this section to file a return who fails to file such a return within the period prescribed may be required to pay an additional charge of fifty dollars or ten per cent of the fee required to be paid for the reporting period, whichever is greater. The commissioner may collect the additional charge by assessment pursuant to section 3734.907 of the Revised Code. ~~The commissioner may remit all or a portion of the additional charge and may adopt rules relating thereto.~~

(C) If any fee due is not paid timely in accordance with this section, the person liable for the fee shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the fee payment was due to the date of payment or to the date an assessment is issued, whichever occurs first. Interest shall be paid in the same manner as the fee, and the commissioner may collect the interest by assessment pursuant to section 3734.907 of the Revised Code.

(D) If, in the estimation of the tax commissioner, the average liability of the person liable for the fee is such as not to merit monthly filing, the commissioner may authorize the person to file and pay at less frequent intervals. Returns are due by the twentieth day of the month following the close of the applicable reporting period authorized under this division.

(E) ~~If a return is filed and the amount of the fee shown to be due on the return is paid on or before the date that the return is required to be filed under division (A) of this section or pursuant to division (D) of this section, whichever is applicable, the person liable for the fee is entitled to a discount of four per cent of the amount shown to be due on the return.~~

~~(F)~~ All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the fee imposed by section 3734.901 of the Revised Code.

Sec. 3734.907. (A) Any person required to pay the fee imposed by section 3734.901 of the Revised Code is personally liable for the fee. The tax commissioner may make an assessment, based upon any information in the commissioner's possession,

against any person who fails to file a return or pay any fee, interest, or additional charge as required by sections 3734.90 to 3734.9014 of the Revised Code. The commissioner shall give the person assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) When the information in the possession of the tax commissioner indicates that a person liable for the fee imposed by section 3734.901 of the Revised Code has not paid the full amount of fee due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit.

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. ~~The commissioner may adopt rules providing for the imposition and remission of the penalties.~~

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person's business is conducted. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tire fee," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of the fee due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in

the same manner as the fee and may be collected by the issuance of an assessment under this section.

(F) If the tax commissioner believes that collection of the fee will be jeopardized unless proceedings to collect or secure collection of the fee are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the fee. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's legal representative, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the fee imposed by section 3734.901 of the Revised Code.

Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members:

(1) A representative of the department of medicaid;

(2) ~~A representative of the bureau of child care in the department of job and family services;~~

~~(3)~~ A representative of the department of environmental protection;

~~(4)~~(3) A representative of the department of education and workforce;

~~(5)~~(4) A representative of the department of development;

~~(6)~~(5) A representative of the department of children and youth;

~~(7)~~(6) A representative of the Ohio apartment owner's association;

~~(8)~~(7) A representative of the Ohio healthy homes network;

~~(9)~~(8) A representative of the Ohio environmental health association;

~~(10)~~(9) An Ohio representative of the American coatings association;

~~(11)~~(10) A representative from Ohio realtors;

~~(12)~~(11) A representative of the Ohio housing finance agency;

~~(13)~~(12) A physician knowledgeable in the field of lead poisoning prevention;

~~(14)~~(13) A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention;

~~(15)~~(14) A representative of the public.

(B) The advisory council shall do both of the following:

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 3742.50. (A) As used in this section:

(1) "Lead abatement costs" means costs incurred by a taxpayer for either of the following:

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as described in 24 C.F.R. 35.1345(a).

"Lead abatement costs" do not include such costs for which the taxpayer is reimbursed or such costs the taxpayer deducts or excludes in computing the taxpayer's federal adjusted gross income for federal income tax purposes or Ohio adjusted gross income as determined under section 5747.01 of the Revised Code.

(2) "Eligible dwelling" means a residential unit constructed in this state before 1978.

(3) "Lead abatement specialist" means an individual who holds a valid license issued under section 3742.05 of the Revised Code.

(4) "Taxable year" and "taxpayer" have the same meanings as in section 5747.01 of the Revised Code.

(B) A taxpayer who incurs lead abatement costs on an eligible dwelling during a taxable year may apply to the director of health for a lead abatement tax credit certificate. The applicant shall list on the application the amount of lead abatement costs the applicant incurred for the eligible dwelling during the taxable year. The director, in consultation with the tax commissioner, shall prescribe the form of a lead abatement tax credit certificate, the manner by which an applicant shall apply for the certificate, and requirements for the submission of any record or other information an applicant must furnish with the application to verify the lead abatement costs.

(C)(1) Upon receipt of an application under division (B) of this section, the director of health shall verify all of the following:

(a) The residential unit that is the subject of the application is an eligible dwelling.

(b) The taxpayer incurred lead abatement costs during the taxable year related to the eligible dwelling.

(c) The eligible dwelling has passed a clearance examination in accordance with standards prescribed in rules adopted by the director under section 3742.03 or 3742.45 of the Revised Code.

(2) After verifying the conditions described in division (C)(1) of this section, the director shall issue a lead

abatement tax credit certificate to the applicant equal to the lesser of (a) the lead abatement costs incurred by the taxpayer on the eligible dwelling during the taxable year, (b) the amount of lead abatement costs listed on the application, or (c) ~~ten~~ fifty thousand dollars, subject to the limitation in division (C)(3) of this section.

(3) The director may not issue more than five million dollars in lead abatement tax credit certificates in any fiscal year.

(D) The director of health, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the administration of this section.

Sec. 3743.56. Each fireworks exhibitor licensed under section 3743.51 of the Revised Code shall register annually with the state fire marshal all employees who assist the licensed exhibitor in conducting fireworks exhibitions. Once registered, such an employee may be employed by any other licensed fireworks exhibitor, without the need for that other licensed exhibitor to register the employee with the state fire marshal. The state fire marshal shall maintain a record of licensed exhibitors and registered employees and make it available, upon request, to any law enforcement agency. The record maintained by the state fire marshal is subject to section 4798.10 of the Revised Code.

The state fire marshal shall adopt rules under Chapter 119. of the Revised Code that establish appropriate fees for the registration of employees of licensed exhibitors and otherwise implement this section.

In addition to the annual registration of employees

required by this section, a licensed exhibitor shall file an application to register a new employee, unless the new employee is already registered under this section, not later than seven days after the date on which the employee is hired.

Each applicant for registration under this section shall provide fingerprint or similar identifying information to the state fire marshal for the purposes of determining applicant compliance with section 3743.70 of the Revised Code. The state fire marshal may adopt rules under Chapter 119. of the Revised Code specifying the method to be used by the applicant to provide the fingerprint or similar identifying information, fees to be assessed by the state fire marshal to conduct such background checks, and the procedures to be used by the state fire marshal to verify compliance with this section. Such rules may include provisions establishing the frequency that license renewal applicants must update background check information filed by the applicant with previous license applications and provisions describing alternative forms of background check information that may be accepted by the state fire marshal to verify compliance with this section.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or

operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay an annual fee of five thousand dollars in addition to the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(2) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

	1	2
A	Total tons per year of regulated pollutants emitted	Annual fee per facility
B	More than 0, but less than 10	$100
C	10 or more, but less than 50	200
D	50 or more, but less than 100	300
E	100 or more	700

(2)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) ~~Beginning January 1, 2000, through June 30, 2026, each~~ Each person who owns or operates a synthetic minor facility shall pay an annual fee of five thousand dollars in addition to a fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

	1	2
A	Combined total tons	Annual fee per facility

	per year of all regulated pollutants emitted	
B	Less than 10	~~$170~~ $255
C	10 or more, but less than 20	~~340~~510
D	20 or more, but less than 30	~~670~~1,005
E	30 or more, but less than 40	~~1,010~~1,515
F	40 or more, but less than 50	~~1,340~~2,010
G	50 or more, but less than 60	~~1,680~~2,520
H	60 or more, but less than 70	~~2,010~~3,015
I	70 or more, but less than 80	~~2,350~~3,525
J	80 or more, but less than 90	~~2,680~~4,020
K	90 or more, but less than 100	~~3,020~~4,530
L	100 or more	~~3,350~~5,025

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the

purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees assessed on emissions prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant

to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

	1	2
A	Input capacity (maximum) (million British thermal units per hour)	Permit to install
B	Greater than 0, but less than 10	~~$200~~ $300
C	10 or more, but less than 100	~~400~~600
D	100 or more, but less than 300	~~1000~~1,500
E	300 or more, but less than 500	~~2250~~3,375
F	500 or more, but less than 1000	~~3750~~5,625
G	1000 or more, but less than 5000	~~6000~~9,000
H	5000 or more	~~9000~~13,500

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity

53285

	1	2
A	Generating capacity (mega watts)	Permit to install
B	0 or more, but less than 10	~~$25~~ $37.50
C	10 or more, but less than 25	~~150~~225
D	25 or more, but less than 50	~~300~~450
E	50 or more, but less than 100	~~500~~750
F	100 or more, but less than 250	~~1000~~1,500
G	250 or more	~~2000~~3,000

(3) Incinerators

53286
53287

	1	2
A	Input capacity (pounds per hour)	Permit to install
B	0 to 100	~~$100~~ $150
C	101 to 500	~~500~~750
D	501 to 2000	~~1000~~1,500
E	2001 to 20,000	~~1500~~2,250
F	more than 20,000	~~3750~~5,625

(4)(a) Process

	1	2
A	Process weight rate (pounds per hour)	Permit to install
B	0 to 1000	~~$200~~ $300
C	1001 to 5000	~~500~~750
D	5001 to 10,000	~~750~~1,125
E	10,001 to 50,000	~~1000~~1,500
F	more than 50,000	~~1250~~1,875

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard

Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

Major group 10, metal mining;

Major group 12, coal mining;

Major group 14, mining and quarrying of nonmetallic minerals;

Industry group 204, grain mill products;

2873 Nitrogen fertilizers;

2874 Phosphatic fertilizers;

3281 Cut stone and stone products;

3295 Minerals and earth, ground or otherwise treated;

4221 Grain elevators (storage only);

5159 Farm related raw materials;

5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

	1	2
A	Process weight rate (pounds per hour)	Permit to install
B	0 to 10,000	~~$200~~ $300

C	10,001 to 50,000	~~400~~600
D	50,001 to 100,000	~~500~~750
E	100,001 to 200,000	~~600~~900
F	200,001 to 400,000	~~750~~1,125
G	400,001 or more	~~900~~1,350

(5) Storage tanks

	1	2
A	Gallons (maximum useful capacity)	Permit to install
B	0 to 20,000	~~$100~~ $150
C	20,001 to 40,000	~~150~~225
D	40,001 to 100,000	~~250~~375
E	100,001 to 500,000	~~400~~600
F	500,001 or greater	~~750~~1,125

(6) Gasoline/fuel dispensing facilities

	1	2
A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install ~~$100~~$150

(7) Dry cleaning facilities

	1	2
A	For each dry cleaning facility (includes all units at the facility)	Permit to install ~~$100~~$150

(8) Registration status

	1	2
A	For each source covered by registration status	Permit to install ~~$75~~$112.50

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:

	1	2
A	Action	Fee
B	Each notification	$75
C	Asbestos removal	$3/unit
D	Asbestos cleanup	$4/cubic yard

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03

of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K)(1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per

cent of the estimated project cost ~~through June 30, 2026,~~ and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost ~~on and after July 1, 2026~~, except that the total fee shall not exceed fifteen thousand dollars ~~through June 30, 2026, and five thousand dollars on and after July 1, 2026~~. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(3)(a)(i) Not later than the thirtieth day of January ~~30, 2024, and January 30, 2025~~of each year, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(3)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall

reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(3)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(3)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(3)(a)(ii) of this section.

(b)(i) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

	1	2
A	Average daily discharge flow	Fee due annually by January 30~~, 2024, and January 30, 2025~~
B	5,000 to 49,999	$200

C	50,000 to 100,000	500
D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

A	Average daily discharge flow	Fee due annually by January 30~~, 2024, and January 30, 2025~~
B	5,000 to 49,999	$250
C	50,000 to 250,000	1,200
D	250,001 to 1,000,000	2,950
E	1,000,001 to 5,000,000	5,850
F	5,000,001 to 10,000,000	8,800
G	10,000,001 to 20,000,000	11,700
H	20,000,001 to 100,000,000	14,050
I	100,000,001 to 250,000,000	16,400
J	250,000,001 or more	18,700

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than the thirtieth day of January ~~30, 2024, and not later than January 30, 2025~~of each year. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(3)(b) and (c) of this section, a public discharger, that is not a separate municipal

storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than the thirtieth day of January ~~30, 2024, and not later than January 30, 2025~~of each year. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(4) Each person obtaining an NPDES permit for municipal storm water discharge shall pay a nonrefundable storm water annual discharge fee of ten dollars per one-tenth of a square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(4) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(5) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(6) As used in this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) ~~Through June 30, 2026, a~~ A person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system ~~prior to January 31, 2026~~, the fee is as follows:

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that

may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system ~~prior to January 31, 2026~~, the fee is as follows:

	1	2
A	Population served	Fee amount
B	Fewer than 150	$112
C	150 to 299	176
D	300 to 749	384
E	750 to 1,499	628
F	1,500 to 2,999	1,268
G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430

K	30,000 or more	16,820

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system ~~prior to January 31, 2026~~, the fee is as follows:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	$112
C	2	112
D	3	176
E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M)(3) of this section, "number of

wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars~~—through June 30, 2026, and fifteen thousand dollars on and after July 1, 2026~~. The fee shall be paid at the time the application is submitted.

~~(2)~~(2)(a) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(b) The director may adopt rules in accordance with

Chapter 119. of the Revised Code to establish conditions to allow the administrative service fee established under division (N)(2)(a) of this section to be paid in lieu of the fee requirements described in division (N)(1) of this section for other plan approvals for extensions of distribution facilities or to increase the number of service connections.

(3) ~~Through June 30, 2026, the~~ The following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

1		2
A	microbiological	
B	MMO-MUG	$2,000
C	MF	2,100
D	MMO-MUG and MF	2,550
E	organic chemical	5,400
F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

~~On and after July 1, 2026, the following fee, on a per survey basis, shall be charged any such person:~~

	1	2
A	~~microbiological~~	~~$1,650~~
B	~~organic chemicals~~	~~3,500~~
C	~~trace metals~~	~~3,500~~
D	~~standard chemistry~~	~~1,800~~
E	~~limited chemistry~~	~~1,000~~

The fee for those services shall be paid at the time the request for the survey is made. ~~Through June 30, 2026, an~~ An individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

(a) "MF" means membrane filtration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply

system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule ~~through November 30, 2026~~:

	1	2
A	Class A operator	$80
B	Class I operator	105
C	Class II operator	120
D	Class III operator	130
E	Class IV operator	145

~~On and after December 1, 2026, the applicant shall pay a fee in accordance with the following schedule:~~

	1	2
A	~~Class A operator~~	~~$50~~
B	~~Class I operator~~	~~70~~
C	~~Class II operator~~	~~80~~
D	~~Class III operator~~	~~90~~
E	~~Class IV operator~~	~~100~~

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination

provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

1		2
A	Class A operator	$25
B	Class I operator	35
C	Class II operator	45
D	Class III operator	55
E	Class IV operator	65

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

1		2
A	Class A operator	$45
B	Class I operator	55
C	Class II operator	65
D	Class III operator	75

E	Class IV operator	85

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) ~~Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections~

~~5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.~~

~~(Q)~~ Except as otherwise provided in division ~~(R)~~(Q) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987;

any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division ~~(V)~~ (U) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

~~(R)(1)~~ (Q)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions ~~(R)(1)~~ (Q)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division ~~(V)~~ (U) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions ~~(R)(1)~~ (Q)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

~~(S)(1)(a)~~ (R)(1)(a) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted ~~through June 30, 2026, and a~~

~~nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, 2026~~.

(b)(i) Except as otherwise provided in divisions ~~(S)(1)(b)(iii)~~(R)(1)(b)(iii) and (iv) of this section, ~~through June 30, 2026,~~ any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. ~~On and after July 1, 2026, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.~~

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

	1	2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S)(1)(b)(i)~~(R)(1)(b)(i)

and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(c) In addition to the application fee established under division ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(d) The director shall transmit all moneys collected under division ~~(S)(1)~~ (R)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of

the Revised Code.

(e) The director shall transmit all moneys collected under division ~~(S)(1)~~ (R)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division ~~(S)(2)~~ (R)(2) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(f) If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division ~~(S)(1)~~ (R)(1) of this section, the person shall pay all applicable fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division ~~(S)(1)~~ (R)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.

(2) A person applying for coverage under an NPDES general discharge permit for household sewage treatment systems shall pay a nonrefundable fee of two hundred dollars at the time of application for initial permit coverage. No fee is required for an application for permit coverage renewal.

~~(T)~~ (S) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734.,

6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division ~~(T)(1)~~ (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division ~~(T)(1)~~ (S)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

~~(U)~~ (T) When the director reasonably demonstrates that the

direct cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division ~~(S)(1)(b)(iii)~~(R)(1)(b)(iii) of this section.

(V) Except as provided in divisions (L), (M), ~~(P),~~ and ~~(S)~~(R) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

~~(W)~~(V) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

~~(X)~~(W) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this

section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small

business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.

(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

~~(Y)(1)~~ (X)(1) Except as provided in divisions ~~(Y)(2)~~ (X)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division ~~(Y)(2)(d)~~ (X)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division ~~(Y)(1)~~ (X)(1) of this section, subject to the following exceptions:

(i) Except as provided in division ~~(Y)(2)(d)~~ (X)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division ~~(Y)(3)~~ (X)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division ~~(Y)(2)(a)~~ (X)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five

thousand gallons per day is not subject to the fees assessed under division ~~(Y)~~ (X) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division ~~(Y)(5)~~ (X)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division ~~(Y)(3)(a)~~ (X)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division ~~(Y)(2)(a)~~ (X)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface

disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division ~~(Y)(2)(b)~~(X)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the

director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division ~~(Y)~~ (X) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division ~~(Y)~~ (X) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division ~~(Y)(7)~~ (X)(7) of this section and after the fees have been reduced, the director

determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division ~~(Y)~~ (X) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division ~~(Y)(7)~~ (X)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division ~~(Y)(7)~~ (X)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division ~~(Y)~~ (X) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed land to productive use.

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division ~~(Y)(1)~~ (X)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3748.13. (A) The director of health shall inspect sources of radiation for which licensure or registration by the handler is required, and the sources' shielding and surroundings, according to the schedule established in rules adopted under division (D) of section 3748.04 of the Revised Code. In accordance with rules adopted under section 3748.04 of the Revised Code, the director shall inspect all records and operating procedures of handlers that install or service sources of radiation and all sources of radiation for which licensure of

radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of a violation of this chapter or rules adopted under it.

The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

(B)(1) Except as provided in division (B)(2) of this section, a facility shall pay inspection fees for radioactive material and radiation-generating equipment according to the schedule and categories established in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) A facility that is, or is operated by, a medical practitioner or medical-practitioner group shall pay inspection fees for radiation-generating equipment according to the following schedule and categories:

	1	2
A	First dental x-ray tube	~~$155.00~~ $310.00
B	Each additional dental x-ray tube at the same location	~~$77.00~~ $154.00

C	First medical x-ray tube	~~$307.00~~ $614.00
D	Each additional medical x-ray tube at the same location	~~$163.00~~ $326.00
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	~~$610.00~~ $1,220.00
F	First nonionizing radiation-generating equipment of any kind	~~$307.00~~ $614.00
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	~~$163.00~~ $326.00

(C)(1) Except as provided in division (C)(2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is four hundred seventy-four dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the

schedule in division (B)(2) of this section.

(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B)(2) of this section.

(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary.

(1) Except as provided in division (E)(2) of this section, the fee for the review is the applicable amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles or proposes to handle radiation-generating equipment, the fee for the review is seven hundred sixty-two dollars for each room where a source of radiation is used and is in addition to any other fee applicable under the schedule in division (B)(2) of this section.

(F) All fees shall be paid to the department of health no later than thirty days after the invoice for the fee is mailed. Fees shall be deposited in the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

(G) Any fee required under this section that remains unpaid on the ninety-first day after the original invoice date shall be assessed an additional amount equal to ten per cent of the original fee.

(H) If the director determines that a board of health of a city or general health district is qualified to conduct inspections of radiation-generating equipment, the director may delegate to the board, by contract, the authority to conduct such inspections. In making a determination of the qualifications of a board of health to conduct those inspections, the director shall evaluate the credentials of the individuals who are to conduct the inspections of radiation-generating equipment and the radiation detection and measuring equipment available to them for that purpose. If a contract is entered into, the board shall have the same authority to make inspections of radiation-generating equipment as the director has under this chapter and rules adopted under it. The contract shall stipulate that only individuals approved by the director as qualified shall be permitted to inspect radiation-generating equipment under the contract's provisions. The contract shall provide for such compensation for services as is agreed to by the director and the board of health of the contracting health district. The director may reevaluate the credentials of the inspection personnel and their radiation detecting and measuring equipment as often as the director considers necessary and may

terminate any contract with the board of health of any health district that, in the director's opinion, is not satisfactorily performing the terms of the contract.

(I) The director may enter at all reasonable times upon any public or private property to determine compliance with this chapter and rules adopted under it.

Sec. 3750.02. (A) There is hereby created the emergency response commission consisting of the directors of environmental protection ~~and~~ , health, and administrative services, the chairperson of the public utilities commission, the fire marshal, the director of public safety, the director of transportation, the director of natural resources, the superintendent of the highway patrol, and the attorney general as members ex officio, or their designees; notwithstanding section 101.26 of the Revised Code, the chairpersons of the respective standing committees of the senate and house of representatives that are primarily responsible for considering environmental issues who may participate fully in all the commission's deliberations and activities, except that they shall serve as nonvoting members; and ten members to be appointed by the governor with the advice and consent of the senate. The appointed members, to the extent practicable, shall have technical expertise in the field of emergency response. Of the appointed members, two shall represent environmental advocacy organizations, one shall represent the interests of petroleum refiners or marketers or chemical manufacturers, one shall represent the interests of another industry subject to this chapter, one shall represent the interests of municipal corporations, one shall represent the interests of counties, one shall represent the interests of chiefs of fire departments, one shall represent the interests of professional firefighters, one

shall represent the interests of volunteer firefighters, and one shall represent the interests of local emergency management agencies.

An appointed member of the commission also may serve as a member of the local emergency planning committee of an emergency planning district. An appointed member of the commission who is also a member of a local emergency planning committee shall not participate as a member of the commission in the appointment of members of the local emergency planning committee of which the member is a member, in the review of the chemical emergency response and preparedness plan submitted by the local emergency planning committee of which the member is a member, in any vote to approve a grant to the member's district, or in any vote of the commission on any motion or resolution pertaining specifically to the member's district or the local emergency planning committee on which the member serves. A commission member who is also a member of a local emergency planning committee shall not lobby or otherwise act as an advocate for the member's district to other members of the commission to obtain from the commission anything of value for the member's district or the local emergency planning committee of which the member is a member. A member of the commission who is also a member of a local emergency planning committee may vote on resolutions of the commission that apply uniformly to all local emergency planning committees and districts in the state and do not provide a grant or other pecuniary benefit to the member's district or the committee of which the member is a member.

The governor shall make the initial appointments to the commission within thirty days after December 14, 1988. Of the initial appointments to the commission, five shall be for a term of two years and five shall be for a term of one year.

Thereafter, terms of office of the appointed members of the commission shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The commission may at any time by a vote of two-thirds of all the members remove any appointed member of the commission for misfeasance, nonfeasance, or malfeasance. Members of the commission shall serve without compensation, but shall be reimbursed for the reasonable expenses incurred by them in the discharge of their duties as members of the commission.

The commission shall meet at least annually and shall hold such additional meetings as are necessary to implement and administer this chapter. Additional meetings may be held at the behest of either a co-chairperson or a majority of the members. The commission shall, by adoption of internal management rules under division (B)(9) of this section, establish an executive committee and delegate to it the performance of such of the commission's duties and powers under this chapter as are required or authorized to be so delegated by that division. The commission may organize itself into such additional committees as it considers necessary or convenient to implement and administer this chapter. The director of environmental

protection and the director of public safety or their designees shall serve as co-chairpersons of the commission and the executive committee. Except as otherwise provided in this chapter, a majority of the voting members of the commission constitutes a quorum and the affirmative vote of a majority of the voting members of the commission is necessary for any action taken by the commission. Meetings of the executive committee conducted for the purpose of determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce this chapter or rules adopted or orders issued under it are not subject to section 121.22 of the Revised Code pursuant to division (D) of that section.

Except for the purposes of Chapters 102. and 2921. and sections 9.86 and 109.36 to 109.366 of the Revised Code, serving as an appointed member of the commission does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(B) The commission shall:

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold

planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances and each extremely hazardous substance. In addition to being consistent with and equivalent in scope, content, and coverage to that act and applicable regulations adopted under it, the rules shall be consistent with and equivalent in scope, content, and coverage to regulations identifying or listing hazardous substances and reportable quantities of those substances adopted under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended.

(d) Prescribing the information to be included in the lists of hazardous chemicals required to be submitted under section 3750.07 of the Revised Code;

(e) Prescribing the information to be included in the emergency and hazardous chemical inventory forms required to be submitted under section 3750.08 of the Revised Code. If the commission establishes its own emergency and hazardous chemical inventory form, the rules shall authorize owners and operators of facilities who also have one or more facilities located outside the state for which they are required to submit inventory forms under the federal act and regulations adopted under it to submit their annual inventories on forms prescribed by the administrator of the United States environmental protection agency under that act instead of on forms prescribed by the commission and shall require those owners or operators to submit any additional information required by the commission's inventory form on an attachment to the federal form.

(f) Establishing procedures for giving verbal notice of releases under section 3750.06 of the Revised Code and prescribing the information to be provided in such a notice and in the follow-up written notice required by that section;

(g) Establishing standards for determining valid needs for the release of tier II information under division (B)(4) of section 3750.10 of the Revised Code;

(h) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;

(i) Establishing criteria and procedures to protect trade secret and confidential business information from unauthorized

disclosure;

(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter.

(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B)(2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall:

(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code;

(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include, without limitation, the requirement that each exercise of a committee's plan involve, in addition to local emergency response and medical personnel, either a facility that is subject to the plan or a transporter of materials that are identified or listed as hazardous materials by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended.

(c) Establish policies and procedures for maintaining

information submitted to the commission and local emergency planning committees under this chapter, and for receiving and fulfilling requests from the public for access to review and to obtain copies of that information. The criteria and procedures shall include the following requirements and authorizations regarding that information and access to it:

(i) Information that is protected as trade secret information or confidential business information under this chapter and rules adopted under it shall be kept in files that are separate from those containing information that is not so protected.

(ii) The original copies of information submitted to the commission or committee shall not be removed from the custody and control of the commission or committee.

(iii) A person who, either in person or by mail, requests to obtain a copy of a material safety data sheet submitted under this chapter by a facility owner or operator shall submit a separate application for each facility for which a material safety data sheet is being requested.

(iv) A person who requests to receive by mail a copy of information submitted under this chapter by a facility owner or operator shall submit a separate application for each facility for which information is being requested and shall specify both the facility for which information is being requested and the particular types of documents requested.

(v) Only employees of the commission or committee shall copy information in the files of the commission or committee.

(vi) The commission or committee may require any person who requests to review or obtain a copy of information in its

files to schedule an appointment for that purpose with the information coordinator of the commission or committee at least twenty-four hours before arriving at the office of the commission or committee for the review or copy.

(vii) Any person who seeks access to information in the files of the commission or a local emergency planning committee shall submit a written application, either in person or by mail, to the information coordinator on a form provided by the commission or committee. The person also shall provide the person's name and current mailing address on the application and may be requested by the commission or committee to provide basic demographic information on the form to assist in the evaluation of the information access provisions of this chapter and rules adopted under it. Application forms may be obtained by mail or in person or by request by telephone at the office of the commission or committee during regular business hours. Upon receipt of a request for an application by telephone or mail, the information coordinator shall promptly mail an application to the person who requested it.

(viii) The application form shall provide the applicant with a means of indicating that the applicant's name and address are to be kept confidential. If the applicant so indicates, that information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that

division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request for access to review or obtain copies of information in its files, it shall not routinely notify the owner or operator of the facility involved, but instead shall either keep a log or file of requests for the information or shall place a copy of each completed application form in the file for the facility to which the application pertains. Such a log or file shall be available for review by the public and by the owners and operators of facilities required to submit information to the

commission or committee under this chapter and rules adopted under it.

(d) Require that claims for the protection, as a trade secret, of information obtained under this chapter regarding extremely hazardous substances identified or listed in rules adopted under division (B)(1)(a) of this section and hazardous chemicals identified or listed in rules adopted under division (B)(1)(b) of this section be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section;

(e) Establish criteria and procedures for the issuance of variances under divisions (B) and (C) of section 3750.11 of the Revised Code. The rules shall require that, before approval of an application for a variance, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the extremely hazardous substances, hazardous chemicals, or hazardous substances that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the chemicals or substances, when the substances or chemicals are present at a facility in an amount equal to or exceeding the quantity for which reporting would be required under the reporting requirement for which the variance is sought. The rules shall also require that before approval of an application for a variance, the commission or committee find by a preponderance of the evidence that the development and implementation of a local emergency response plan for releases

of the substances or chemicals covered by the reporting requirement will reduce the risk of catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency management personnel, in the event of a release of the substances or chemicals and find by a preponderance of the evidence that the reporting requirement is necessary for the development of such a local emergency response plan. The rules shall require that when determining whether the substances or chemicals that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the substance or chemical, the commission or committee consider all of the following factors:

(i) The specific characteristics and degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances;

(ii) The proximity of the facilities that would be subject to the reporting requirement to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at facilities that would be subject to the reporting requirement;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facilities that would be subject to the reporting

requirement in quantities for which reporting would be required thereunder.

(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they are routinely or intermittently present at the facility for which the order is sought pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility. The rules shall require that before approval of an application for issuance of such an order, the commission or committee also find by a preponderance of the evidence that the placement of an emergency response lock box unit at the facility is necessary to protect against the substantial risk of catastrophic injury to public health or safety or the environment, or to protect against an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of the extremely hazardous substances, hazardous chemicals, or hazardous substances routinely or intermittently present at the facility. The rules shall require that when determining whether the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility pose a substantial risk of catastrophic injury

to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility, the commission or committee consider all of the following factors:

(i) The specific characteristics and the degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility;

(ii) The proximity of the facility to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at the facility;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility.

(g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter.

(3) In accordance with Chapter 119. of the Revised Code adopt rules establishing reportable quantities for releases of oil that are consistent with and equivalent in scope, content, and coverage to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, and applicable regulations adopted under it;

(4) Adopt rules in accordance with Chapter 119. of the

Revised Code establishing criteria and procedures for identifying or listing extremely hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and for establishing threshold planning quantities and reportable quantities for the added extremely hazardous substances; for identifying or listing hazardous chemicals in addition to those identified or listed in rules adopted under division (B)(1)(b) of this section and for establishing threshold quantities and categories of health and physical hazards for the added hazardous chemicals; and for identifying or listing hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(c) of this section and for establishing reportable quantities for the added hazardous substances. The criteria for identifying or listing additional extremely hazardous substances and establishing threshold planning quantities and reportable quantities therefor and for identifying or listing additional hazardous chemicals and establishing threshold quantities and categories of health and physical hazards for the added hazardous chemicals shall be consistent with and equivalent to applicable criteria therefor under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. The criteria for identifying additional hazardous substances and for establishing reportable quantities of the added hazardous substances shall be consistent with and equivalent to the applicable criteria for identifying or listing hazardous substances and establishing reportable quantities therefor under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, and regulations adopted under it.

The rules shall require that, before identifying or listing any such additional extremely hazardous substance, hazardous chemical, or hazardous substance and establishing a threshold planning quantity, threshold quantity, or reportable quantity therefor, the commission find by a preponderance of the scientific evidence based on generally accepted scientific principles or laboratory tests that the substance or chemical poses a substantial risk of catastrophic injury to public health or safety or to the environment, or poses an extraordinary risk of injury to emergency management personnel responding to a release of the chemical or substance, when the chemical or substance is present at a facility in an amount equal to the proposed threshold planning quantity or threshold quantity or, in the instance of a proposed additional extremely hazardous substance or hazardous substance, poses a substantial risk of catastrophic injury to public health or safety or to the environment if a release of the proposed reportable quantity of the substance occurs. The rules shall further require that, before so identifying or listing a substance or chemical, the commission find by a preponderance of the evidence that the development and implementation of state or local emergency response plans for releases of the substance or chemical will reduce the risk of a catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency response personnel, in the event of a release of the substance or chemical and find by a preponderance of the evidence that the identification or listing of the substance or chemical is necessary for the development of state or local emergency response plans for releases of the substance or chemical. The rules shall require that the commission consider the toxicity of the substance or chemical in terms of both the short-term and long-term health

effects resulting from exposure to it and its reactivity, volatility, dispersibility, combustibility, and flammability when determining the risks posed by a release of the substance or chemical and, as appropriate, when establishing a threshold planning quantity, threshold quantity, reportable quantity, or category of health or physical hazard for it.

(5) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for receiving and deciding claims for protection of information as a trade secret that are applicable only to extremely hazardous substances and hazardous chemicals identified or listed in rules adopted under division (C)(5) of this section. The rules shall be equivalent in scope, content, and coverage to section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it.

(6)(a) After consultation with the fire marshal, adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the construction, placement, and use of emergency response lock box units at facilities that are subject to this chapter. The rules shall establish all of the following:

(i) Specific standards of construction for lock box units;

(ii) The specific types of information that shall be placed in the lock box units required to be placed at a facility by an order issued under division (D) of section 3750.11 of the Revised Code, which shall include the location of on-site emergency fire-fighting and spill cleanup equipment; a diagram of the public and private water supply and sewage systems serving the facility that are known to the owner or operator of

the facility; a copy of the emergency and hazardous chemical inventory form for the facility most recently required to be submitted under section 3750.08 of the Revised Code from which the owner or operator may withhold information claimed or determined to be trade secret information pursuant to rules adopted under division (B)(2)(d) of this section, or pursuant to division (B)(14) of this section and rules adopted under division (B)(5) of this section, and confidential business information identified in rules adopted under division (B)(1)(h) of this section; a copy of the local fire department's and facility's emergency management plans for the facility, if any; a current list of the names, positions, addresses, and telephone numbers of all key facility personnel knowledgeable in facility safety procedures and the locations at the facility where extremely hazardous substances, hazardous chemicals, and hazardous substances are produced, used, or stored. The rules shall stipulate that, in the instance of lock box units placed voluntarily at facilities by the owners or operators of the facilities, such information shall be maintained in them as is prescribed by agreement by the owner or operator and the fire department having jurisdiction over the facility.

(iii) The conditions that shall be met in order to provide safe and expedient access to a lock box unit during a release or threatened release of an extremely hazardous substance, hazardous chemical, or hazardous substance.

(b) Unless the owner or operator of a facility is issued an order under division (D) of section 3750.11 of the Revised Code requiring the owner or operator to place a lock box unit at the facility, the owner or operator may place a lock box unit at the facility at the owner's or operator's discretion. If the owner or operator chooses to place a lock box unit at the

facility, the responsibility to deposit information in the lock box unit is in addition to any other obligations established in this chapter.

(c) Any costs associated with the purchase, construction, or placement of a lock box unit shall be paid by the owner or operator of the facility.

(7) In accordance with Chapter 119. of the Revised Code, adopt rules governing the application for and awarding of grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing reasonable maximum fees that may be charged by the commission and local emergency planning committees for copying information in the commission's or committee's files to fulfill requests from the public for that information;

(9) Adopt internal management rules governing the operations of the commission. The internal management rules shall establish an executive committee of the commission consisting of the director of environmental protection or the director's designee, the director of public safety or the director's designee, the attorney general or the attorney general's designee, one of the appointed members of the commission representing industries subject to this chapter to be appointed by the commission, one of the appointed members of the commission representing the interests of environmental advocacy organizations to be appointed by the commission, and one other appointed member or member ex officio of the commission to be appointed by the commission. The executive committee has exclusive authority to issue enforcement orders under section

3750.18 of the Revised Code and to request the attorney general to bring a civil action, civil penalty action, or criminal action under section 3750.20 of the Revised Code in the name of the commission regarding violations of this chapter, rules adopted under it, or orders issued under it. The internal management rules may set forth the other specific powers and duties of the commission that the executive committee may exercise and carry out and the conditions under which the executive committee may do so. The internal management rules shall not authorize the executive committee to issue variances under division (B) or (C) of section 3750.11 of the Revised Code or orders under division (D) of that section.

(10) Oversee and coordinate the implementation and enforcement of this chapter and make such recommendations to the director of environmental protection and the director of public safety as it considers necessary or appropriate to improve the implementation and enforcement of this chapter;

(11) Make allocations of moneys under division (B) of section 3750.14 of the Revised Code and make grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(12) Designate an officer of the environmental protection agency to serve as the commission's information coordinator under this chapter;

(13) Not later than December 14, 1989, develop and distribute a state emergency response plan that defines the emergency response roles and responsibilities of the state agencies that are represented on the commission and that provides appropriate coordination with the national contingency plan and the regional contingency plan required by section 105

of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure a well-coordinated response by state agencies that may be involved in assisting local emergency responders during a major release of oil or a major sudden and accidental release of a hazardous substance or extremely hazardous substance. The plan may incorporate existing state emergency response plans by reference. At least annually, the commission and the state agencies that are represented on it shall jointly exercise the state plan in conjunction with the exercise of a local emergency response plan by a local emergency planning committee under section 3750.04 of the Revised Code. After any such exercise, the commission shall review the state plan and make such revisions in it as the commission considers necessary or appropriate.

(14) Receive and decide claims for the protection of information as a trade secret that pertain only to extremely hazardous substances and hazardous chemicals identified or listed by rules adopted under division (C)(5) of this section. If the commission determines that the claim meets the criteria established in rules adopted under division (B)(5) of this section, it shall issue an order to that effect in accordance with section 3750.18 of the Revised Code. If the commission determines that the claim does not meet the criteria established in those rules, it shall issue an order to that effect in accordance with section 3750.18 of the Revised Code.

(15) Annually compile, make available to the public, and submit to the president of the senate and the speaker of the house of representatives a summary report on the number of facilities estimated to be subject to regulation under sections 3750.05, 3750.07, and 3750.08 of the Revised Code, the number of

facilities reporting to the commission, an estimate of the percentage of facilities in compliance with those sections, and recommendations regarding the types of activities the commission considers necessary to improve such compliance. The commission shall base its estimate of the number of facilities that are subject to regulation under those sections on the current estimates provided by the local emergency planning committees under division (D)(6) of section 3750.03 of the Revised Code.

(C) The commission may:

(1) Procure by contract the temporary or intermittent services of experts or consultants when those services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(2) Enter into contracts or agreements with political subdivisions or emergency planning districts for the purposes of this chapter;

(3) Accept on behalf of the state any gift, grant, or contribution from any governmental or private source for the purposes of this chapter;

(4) Enter into contracts, agreements, or memoranda of understanding with any state department, agency, board, commission, or institution to obtain the services of personnel thereof or utilize resources thereof for the purposes of this chapter. Employees of a state department, agency, board, commission, or institution providing services to the commission under any such contract, agreement, or memorandum shall perform only those functions and provide only the services provided for in the contract, agreement, or memorandum.

(5) Identify or list extremely hazardous substances in

addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and establish threshold planning quantities and reportable quantities for the additional extremely hazardous substances, identify or list hazardous chemicals in addition to those identified or listed in rules adopted under division (B)(1)(b) of this section and establish threshold quantities and categories or health and physical hazards for the added chemicals, and identify or list hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(c) of this section and establish reportable quantities for the added hazardous substances. The commission may establish threshold planning quantities for the additional extremely hazardous substances based upon classes of those substances or categories of facilities at which they are present and may establish threshold quantities for the additional hazardous chemicals based upon classes of those chemicals or categories of facilities where they are present. The commission shall identify or list such additional substances or chemicals and establish threshold planning quantities, threshold quantities, reportable quantities, and hazard categories therefor in accordance with the criteria and procedures established in rules adopted under division (B)(4) of this section and, after compliance with those criteria and procedures, by the adoption of rules in accordance with Chapter 119. of the Revised Code. The commission shall not adopt rules under division (C)(5) of this section modifying any threshold planning quantity established in rules adopted under division (B)(1)(a) of this section, any threshold quantity established in rules adopted under division (B)(1)(b) of this section, or any reportable quantity established in rules adopted under division (B)(1)(c) of this section.

If, after the commission has adopted rules under division (C)(5) of this section identifying or listing an extremely hazardous substance, hazardous chemical, or hazardous substance, the administrator of the United States environmental protection agency identifies or lists the substance or chemical as an extremely hazardous substance or hazardous chemical under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance as a hazardous substance under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the commission shall rescind its rules adopted under division (C)(5) of this section pertaining to the substance or chemical and adopt the appropriate rules under division (B)(1)(a), (b), or (c) of this section.

(6) From time to time, request the director of environmental protection and the executive director of the emergency management agency to review implementation, administration, and enforcement of the chemical emergency response planning and reporting programs created by this chapter and rules adopted under it regarding their effectiveness in preparing for response to releases of extremely hazardous substances, hazardous chemicals, and hazardous substances. After completion of any such review, the director of environmental protection and the director of public safety shall report their findings to the commission. Upon receipt of their findings, the commission may make such recommendations for legislative and administrative action as the commission finds necessary or appropriate to promote achievement of the purposes of this chapter.

(D) Except as provided in section 3750.06 of the Revised

Code, nothing in this chapter applies to the transportation, including the storage incident to transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

(E) This chapter authorizes the state, through the emergency response commission, the department of public safety, and the environmental protection agency, to establish and maintain chemical emergency response planning and preparedness, community right-to-know, and hazardous substance and extremely hazardous substance release reporting programs that are consistent with and equivalent in scope, coverage, and content to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it, except as otherwise specifically required or authorized in this chapter. The commission, department, and agencies may do all things necessary, incidental, or appropriate to implement, administer, and enforce this chapter and to perform the duties and exercise the powers of the state emergency response commission under that act and regulations adopted under it and under this chapter.

Sec. 3769.03. The state racing commission shall prescribe the rules and conditions under which horse racing may be conducted and may issue, deny, suspend, diminish, or revoke permits to conduct horse racing as authorized by sections 3769.01 to 3769.14 of the Revised Code. The commission may impose, in addition to any other penalty imposed by the commission, fines in an amount not to exceed ~~ten~~ fifty thousand dollars on any permit holder or any other person who violates the rules or orders of the commission and an additional fine on the violator in an amount equal to the costs incurred by the

commission in hearing the matter. The commission may prescribe the forms of wagering that are permissible, the number of races, the procedures on wagering, and the wagering information to be provided to the public.

The commission may require totalizator equipment to display the amount of wagering in each wagering pool. The commission shall initiate safeguards as necessary to account for the amount of money wagered at each track in each wagering pool. It may require permit holders to install equipment that will provide a complete check and analysis of the functioning of any computers and require safeguards on their performance. The commission shall require all permit holders, except those holding state fair, county fair, or other fair permits, to provide a photographic recording, approved by the commission, of the entire running of all races conducted by the permit holder.

The state racing commission may issue, deny, suspend, or revoke licenses to those persons engaged in racing and to those employees of permit holders as is in the public interest for the purpose of maintaining a proper control over horse-racing meetings. The commission, as is in the public interest for the purpose of maintaining proper control over horse-racing meetings, also may rule any person off a permit holder's premises. License fees shall include registration fees and shall be set by the commission. Each license issued by the commission, unless revoked for cause, shall be for the period of one year from the first day of January of the year in which it is issued, except as otherwise provided in section 3769.07 of the Revised Code. Applicants for licenses issued by the commission shall submit their fingerprints to the commission, and the commission may forward the fingerprints to the federal bureau of investigation or to any other agency, or to both, for

examination. The commission shall issue a license to a person engaged in racing or an employee of a permit holder in accordance with Chapter 4796. of the Revised Code if that person or employee holds a license in another state, or that person or employee has satisfactory work experience, a government certification, or a private certification as described in that chapter in horse racing in a state that does not issue that license.

There is hereby created in the state treasury the state racing commission operating fund. All license fees established and collected by the commission pursuant to this section, and the amounts specified in divisions (B) and (C) of section 3769.08 and division (A)(5) of section 3769.087 of the Revised Code, shall be paid into the state treasury to the credit of the fund. Moneys in the fund shall be expended by the commission to defray its operating costs, salaries and expenses, and the cost of administering and enforcing this chapter.

The commission may deny a permit to any permit holder that has defaulted in payments to the public, employees, or the horsemen and may deny a permit to any successor purchaser of a track for as long as any of those defaults have not been satisfied by either the seller or purchaser.

The commission shall deny a permit to any permit holder that has defaulted in payments to the state or has defaulted in payments required under section 3769.089 or 3769.0810 of the Revised Code and shall deny a permit to any successor purchaser of a track for as long as those defaults have not been satisfied by either the seller or purchaser.

Any violation of this chapter, of any rule of racing adopted by the commission, or of any law or rule with respect to

racing in any jurisdiction shall be sufficient reason for a refusal to issue a license, or a suspension or revocation of any license issued, pursuant to this section.

With respect to the issuance, denial, suspension, or revocation of a license to a participant in horse racing, the action of the commission shall be subject to Chapter 119. of the Revised Code.

The commission may sue and be sued in its own name. Any action against the commission shall be brought in the court of common pleas of Franklin county. Any appeal from a determination or decision of the commission rendered in the exercise of its powers and duties under this chapter shall be brought in the court of common pleas of Franklin county.

The commission, biennially, shall make a full report to the governor of its proceedings for the two-year period ending with the thirty-first day of December preceding the convening of the general assembly and shall include its recommendations in the report. The commission, semiannually, on the thirtieth day of June and on the thirty-first day of December of each year, shall make a report and accounting to the governor.

Sec. 3769.088. (A)(1) If any permit holder required by this chapter to pay the taxes levied by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay the taxes as required, the tax commissioner may make an assessment against the permit holder based upon any information in the commissioner's possession.

(2) If a permit holder required to remit taxes or file a report electronically in the manner prescribed under section 3769.103 of the Revised Code fails to do so, the tax

commissioner may impose an additional penalty of fifty dollars or ten per cent of the tax due as shown on the report, whichever is greater.

(3) A penalty of up to fifteen per cent may be added to the amount of every assessment made under this section.

(4) ~~The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.~~

~~(5)~~ The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the commissioner. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the

assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the place, track, or enclosure for which the permit was issued is located or the county in which the party assessed resides or has its principal place of business. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state horse racing tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be treated as revenue arising from the taxes imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised Code.

Sec. 3769.091. (A) The state racing commission may delegate to the stewards and judges of racing meetings under the jurisdiction of the commission the power to suspend licenses for not to exceed one year and to impose fines not to exceed ~~one~~ fifty thousand dollars for any violation of the rules or orders of the commission, provided that two of such officials shall concur in such suspension. Any suspension of a license by such officials is valid even though the suspension extends beyond the period of the racing meeting for which such officials have been appointed. The suspension shall be effective at all other race meetings under the jurisdiction of the commission. ~~Any~~

(B) Any fine or suspension may be appealed to the commission. Such appeal shall stay the fine or suspension until further action by the commission. If the commission determines that a violation of the rules or orders of the commission has occurred, the commission may impose an additional fine in an amount equal to the costs incurred by the commission in hearing the appeal.

Sec. 3770.02. (A) Subject to the advice and consent of the senate, the governor shall appoint a director of the state lottery commission who shall serve at the pleasure of the governor. The director shall devote full time to the duties of the office and shall hold no other office or employment. The director shall meet all requirements for appointment as a member of the commission and shall, by experience and training, possess management skills that equip the director to administer an

enterprise of the nature of a state lottery. The director shall receive an annual salary in accordance with pay range 48 of the schedules created under section 124.152 of the Revised Code.

(B)(1) The director shall attend all meetings of the commission and shall act as its secretary. The director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. All records of the commission's meetings shall be available for inspection by any member of the public, upon a showing of good cause and prior notification to the director.

(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code.

(C)(1) The director shall appoint deputy directors as necessary and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such officers and employees shall be appointed and compensated pursuant to Chapter 124. of the Revised Code. Regional and assistant regional managers, sales representatives, and any lottery executive account representatives shall remain in the unclassified service. The assistant director shall act as director in the absence or disability of the director. If the director does not appoint an assistant director, the director shall designate a deputy director to act as director in the absence or disability of the director.

(2) The director, in consultation with the director of administrative services, may establish standards of proficiency

and productivity for commission field representatives.

(D) The director shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any job applicant and may periodically request the criminal records of commission employees. At or prior to the time of making such a request, the director shall require a job applicant or commission employee to obtain fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause these fingerprint cards to be forwarded to the bureau of criminal identification and investigation and the federal bureau of investigation. The commission shall assume the cost of obtaining the fingerprint cards and shall pay to each agency supplying criminal records for each investigation under this division a reasonable fee, as determined by the agency.

(E) The director shall license lottery sales agents pursuant to section 3770.05 of the Revised Code and, when it is considered necessary, may revoke or suspend the license of any lottery sales agent. The director may license video lottery technology providers, independent testing laboratories, and gaming employees, and promulgate rules relating thereto. When the director considers it necessary, the director may suspend or revoke the license of a video lottery technology provider, independent testing laboratory, or gaming employee, including suspension or revocation without affording an opportunity for a prior hearing under section 119.07 of the Revised Code when the public safety, convenience, or trust requires immediate action.

(F) The director shall confer at least once each month

with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may

consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 3770.071. (A) As used in this section, "lottery prize award" does not include a prize award from a video lottery terminal and does not include winnings from lottery sports

gaming, except that "lottery prize award" includes winnings from lottery sports gaming wagers placed through a terminal described in division (B)(3) of section 3770.24 of the Revised Code.

(B) If the amount of the prize money or the cost of goods or services awarded as a lottery prize award meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, or a subsequent analogous section of the Internal Revenue Code, the director of the state lottery commission or the director's designee shall consult the data match program established under section 3123.89 of the Revised Code to determine whether the person is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If so, the director or the director's designee shall withhold an amount from the prize award in accordance with section 3123.89 of the Revised Code.

Sec. 3770.072. (A) As used in this section, "prize winner~~,~~" and "transferee~~,~~" ~~and "transferor"~~ have the same meanings as in section 3770.10 of the Revised Code.

(B) The state lottery commission shall deduct amounts from lottery prize awards and file returns in accordance with ~~sections~~ section 5747.062 ~~and 5747.064~~ of the Revised Code and any rules adopted by the tax commissioner pursuant to ~~those sections~~that section. This division also applies to lottery prize award payments the commission remits to transferees.

~~(C)(1)(a)~~ (C)(1) Each transferee shall deduct and withhold from each gross amount payable to each prize winner four per cent of the gross amount payable prior to making any other reduction required by this chapter.

~~(b) Subject to division (C)(1)(c) of this section, each~~

~~transferee, including any transferee that is a related member, as defined in section 5733.042 of the Revised Code, to the transferor, shall deduct and withhold from each amount payable to a transferor that is not a prize winner four per cent of the portion of the payment representing gain or income the transferor will recognize in connection with the payment.~~

~~(c) For purposes of division (C)(1)(b) of this section, the portion of any payment representing gain or income recognized by the transferor shall be computed in accordance with the Internal Revenue Code. The transferor shall prepare a written statement setting forth that amount and sign the statement under penalty of perjury. Within five days before the date on which the payment is to be made, the transferor shall deliver the written statement to the transferee and deliver a copy of the written statement to the tax commissioner. If the transferee does not receive the written statement by the time the payment is made, the transferee shall withhold four per cent of the entire amount of the payment. If the tax commissioner notifies the transferee that the transferor has erroneously computed the amount of gain or income recognized, the transferee shall withhold four per cent of the entire amount of each payment to be made after the transferee receives the notice.~~

~~(d) The tax commissioner may impose a penalty of up to one thousand dollars for any person failing to timely deliver to the tax commissioner the copy of the written statement as required by division (C)(1)(c) of this section. Proceeds from the imposition of the penalty shall be considered as revenue arising from the tax imposed under section 5733.06 or 5747.02 of the Revised Code, as applicable.~~

(2) With respect to amounts deducted and withheld pursuant

to division (C)(1) of this section, each transferee shall comply with divisions (A)(2) to (4) of section 5747.062 of the Revised Code.

(3) An employee of a corporation, limited liability company, or business trust having control or supervision of or charged with the responsibility of filing the report and making the payment required by division (C) of this section and section 5747.062 of the Revised Code, or an officer, member, manager, or trustee of a corporation, limited liability company, or business trust who is responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, shall be personally liable for failure to file the report or pay the amount due as required by division (C) of this section and section 5747.062 of the Revised Code. The dissolution, termination, or bankruptcy of a corporation, limited liability company, or business trust does not discharge a responsible officer's, member's, manager's, employee's, or trustee's liability for a failure of the corporation, limited liability company, or business trust to file returns or pay the amount due.

(4)(a) The tax commissioner may make an assessment against any person listed in division (C)(1) or (3) of this section for any deficiency for any period. Section 5747.13 of the Revised Code shall apply with respect to issuing assessments, filing petitions for reassessments, conducting hearings, issuing final determinations, making the assessment final, and filing the entry that makes the assessment final. Section 5717.02 of the Revised Code shall apply to appeals of the commissioner's final decision in connection with assessments issued pursuant to division (C)(4) of this section.

(b) An assessment issued against any person listed in division (C)(1) or (3) of this section shall not be considered an election of remedies or a bar to an assessment against any other person for the failure to comply with division (C)(1) of this section. No assessment shall be issued against any person who is so listed if the amount required to be withheld has been paid by another.

(c) The assessment shall include interest at the rate per annum prescribed by section 5703.47 of the Revised Code on liability from the time the payment is due until the date of assessment. Interest shall continue to accrue from the date of assessment until the date the assessment is paid in full. Any interest accruing subsequent to the date of the issuance of the assessment shall be considered to be an additional deficiency for which the tax commissioner may issue subsequent assessments. The initial assessment and any subsequent assessments may include a penalty in an amount not to exceed twice the applicable interest charged under this division.

Sec. 3770.073. (A) As used in this section, "lottery prize award" does not include a prize award from a video lottery terminal and does not include winnings from lottery sports gaming, except that "lottery prize award" includes winnings from lottery sports gaming wagers placed through a terminal described in division (B)(3) of section 3770.24 of the Revised Code.

(B) The attorney general shall provide the state lottery commission or its designee with access to the real time data match program described in sections 3772.37 and 3775.16 of the Revised Code for the purpose of identifying prize winners who owe amounts to the state or a political subdivision.

(C) If a person is entitled to a lottery prize award and

is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, or certified claim under section 131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, owes lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H)(4) of section 3770.05 of the Revised Code, or owes any charge, penalty, or interest arising from ~~these~~ any of those debts and if the amount of the prize money or the cost of goods or services awarded as a lottery prize award meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments, at the time the installments become due and owing to the person, until the debt is fully satisfied.

~~(B)~~ (D) If a person entitled to a lottery prize award owes more than one debt, any debt owed to the state shall be

satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division ~~(C)~~ (E) of this section.

~~(C)~~ (E) Any debt owed under section 3770.071 of the Revised Code shall be satisfied with first priority over debts owed under this section.

~~(D)~~ (F) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3770.074. If the amount of a prize award from a video lottery terminal meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041, the video lottery sales agent shall consult the data match program established under section 3123.89 of the Revised Code to determine whether the person is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If so, the video lottery sales agent shall withhold an amount from the prize award in accordance with section 3123.89 of the Revised Code.

Sec. 3770.075. (A) The attorney general shall provide each video lottery sales agent with access to the real time data match program described in sections 3772.37 and 3775.16 of the Revised Code for the purpose of identifying prize winners who owe amounts to the state or a political subdivision.

(B) If a person is entitled to a prize award from a video lottery terminal that meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 and the person is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment

contribution, or certified claim under section 131.02 or 131.021 of the Revised Code, is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, owes lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H)(4) of section 3770.05 of the Revised Code, or owes any charge, penalty, or interest arising from any of those debts, the video lottery sales agent shall deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section.

(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3770.10. As used in sections 3770.07 to ~~3770.073~~ 3770.075 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident

of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of ~~an attorney, a certified public accountant, an actuary, or any other~~ a licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal, financial, and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A) of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division (B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a federal bankruptcy court order or other court order referred to in division (D) of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division (D) of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of ~~all or any part~~ the remainder of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of ~~all or any part~~ the remainder of a lottery prize award from a ~~transferor~~ prize winner to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the ~~transferor~~ prize winner under penalties of perjury, that the ~~transferor~~ prize winner irrevocably agrees that the ~~transferor~~ prize winner is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the ~~transferor~~ prize winner will recognize in connection with the transfer. ~~If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is~~

~~subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.~~

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with a lottery prize ~~awards~~ award to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement setting forth that the investor irrevocably agrees that the investor is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee and the investor will recognize in connection with a lottery prize ~~awards~~ award to be received as a result of the transfer.

(G) "Transferee" means a party acquiring or proposing to acquire ~~all or any part~~ the remainder of a lottery prize award from a prize winner through a transfer.

(H) ~~"Transferor" means either a prize winner or a transferee in an earlier transfer whose interest is acquired by or is sought to be acquired by a transferee or a new transferee through a transfer.~~"Licensed professional adviser" means any of the following:

(1) An attorney;

(2) A certified public accountant;

(3) An actuary;

(4) A financial planner who is accredited by a nationally recognized accreditation agency.

(I) "Lottery prize award" includes winnings from lottery sports gaming, except as otherwise specified in the applicable section of the Revised Code.

(J) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(K) "Video lottery sales agent" means an agent of the state lottery authorized to operate video lottery terminals under section 3770.21 of the Revised Code.

Sec. 3770.12. A court of competent jurisdiction shall approve a transfer of a lottery prize award only in a final order that is based on express findings of the court. The court shall approve the transfer if each of the following conditions that applies is met and is included in the court's express findings:

(A) ~~If the transferor is a prize winner, the~~ The transferee has provided to the prize winner a disclosure statement that complies with section 3770.11 of the Revised Code, and the prize winner has confirmed the prize winner's receipt of the disclosure statement, as evidenced by the prize winner's notarized signature on a copy of the disclosure statement.

(B) ~~If the transferor is a~~ The prize winner~~, the prize winner~~ has received independent professional advice regarding the legal, financial, and other implications of the transfer, as

evidenced by a statement signed under penalty of perjury by the prize winner and the licensed professional adviser.

(C) The transferee has given written notice of the transferee's name, address, and taxpayer identification number to the state lottery commission and has filed a copy of that notice with the court in which the application for approval of the transfer was filed.

(D) The transferee is a trust, limited partnership, general partnership, corporation, professional association, limited liability company, or other entity that is qualified to do business in this state and meets the registration requirements for that type of entity under Title XVII of the Revised Code.

(E) The transfer complies with all applicable requirements of the Revised Code and does not contravene any applicable statute or court order.

(F) The transfer does not include or cover the amounts of the lottery prize award that are required to be withheld or deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.072 of the Revised Code.

(G) Any amounts described in division (F) of this section that are required to be withheld or deducted, as of the date of the court order, will be offset by the commission first against remaining payments due the ~~transferor~~ prize winner and then against payments due the transferee.

(H) Except as provided in divisions (F) and (G) of this section, that the ~~transferor's~~ prize winner's interest in each and all of the future payments from a particular lottery prize award is to be paid to a single transferee~~, or, if the payments~~

~~from the lottery prize award are to be directed from the state lottery commission to multiple transferees, the commission has promulgated rules under section 3770.03 of the Revised Code permitting transfers to multiple transferees, and the transfer is consistent with those rules~~.

~~(I) If the lottery prize award has been transferred within twelve months immediately preceding the effective date of the proposed transfer, the state lottery commission has not objected to the proposed transfer. The court shall presume that the requirements of this division are met unless the commission notifies the court in writing before the hearing on the application for transfer, or through counsel at that hearing, that a transfer of the same lottery prize award has been made within that twelve-month period and that the commission objects to a subsequent transfer within that twelve-month period. The court shall find that the requirements of this division are not met if the commission provides notice of a prior transfer of the same lottery prize award within that twelve-month period and its objection to the proposed transfer, unless the transferor or transferee shows by clear and convincing evidence that no previous transfer of the same lottery prize award occurred within that twelve-month period. For purposes of this division, any of a series of transfers of a lottery prize award that occur simultaneously as part of a single transaction shall not be considered to be a prior transfer of the lottery prize award within the twelve-month period immediately preceding the effective date of the proposed transfer, provided that the condition set forth in division (C) of this section is met.~~

If the court determines that all of the conditions in divisions (A) to ~~(I)~~ (H) of this section that apply are met, the transfer of the lottery prize award shall be presumed to be fair

and reasonable and in the best interests of the prize winner.

Sec. 3770.121. Any state lottery commission rules allowing lottery prize awards to be paid in installments also shall allow a prize winner who is being paid a prize award in that manner to transfer ~~all or a portion of~~ the remainder of the prize award, subject to each of the following conditions:

(A) ~~If each transfer is for less than one hundred per cent of the remainder of the prize award, the remainder of the prize award for each transfer must be five hundred thousand dollars or greater at the time of the transfer. If the lottery prize award is a lifetime prize, for each transfer the remainder of the minimum guaranteed prize to which the prize winner is entitled must be five hundred thousand dollars or greater at the time of the transfer.~~

~~(B)~~ Payments of the prize award transferred shall be subject to the withholding or deduction of any amounts that are required to be withheld or deducted under section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the Revised Code.

~~(C) The maximum number of transfers~~ (B) Only one transfer is permitted under this section with respect to any single prize award ~~shall not exceed three~~ unless a greater number of permitted transfers has been specified by the commission in the rules.

Sec. 3770.13. (A) A transferee shall file an application under sections 3770.10 to 3770.14 of the Revised Code for the approval in advance of a transfer of a lottery prize award in a court of competent jurisdiction.

(B) The following procedures shall apply to an application

for the approval in advance by a court of a transfer of a lottery prize award under division (A) of this section:

(1) Upon the filing of the application, the court shall set a date, time, and place for a hearing on the application and shall notify the transferee and ~~transferor~~ the prize winner of the date, time, and place of the hearing.

(2) Not less than thirty days prior to the date set by the court for the hearing on an application filed pursuant to this section, the transferee shall file with the court and shall serve on the state lottery commission, in the manner prescribed in the Rules of Civil Procedure for the service of process, a notice of the proposed transfer and the application for its approval in advance. The notice shall include all of the following:

(a) A copy of the application;

(b) A copy of the transfer agreement~~ or, if the transferor is not a prize winner, a redacted copy of the transfer agreement that discloses sufficient information to allow the commission and the court to determine the validity of the transfer agreement~~;

(c) ~~If the transferor is a prize winner, a~~ A copy of the disclosure statement provided by the transferee pursuant to section 3770.11 of the Revised Code and signed by the prize winner pursuant to division (A) of section 3770.12 of the Revised Code;

(d) A statement, signed under penalty of perjury by the prize winner and a licensed professional adviser, that the prize winner has received independent professional advice regarding the legal, financial, and other implications of the transfer;

(e) The amounts and due dates of the lottery prize award payments that will be transferred under the transfer agreement;

~~(e)~~ (f) Notification of the date, time, and place of the hearing on the application;

~~(f)~~ (g) The complete name, address, and taxpayer identification number of the transferee.

(3) The commission shall not be required to appear in or be named as a party to a hearing on the application, but may intervene as of right in the proceeding.

(4) At the conclusion of the hearing on an application under this section, the court may grant or deny the approval of the transfer. The court shall enter its order accordingly. If the court grants the approval of the transfer, it shall include in its order all of the express findings specified in section 3770.12 of the Revised Code. If the court denies the approval of the transfer, it shall include in its order the reasons for the denial.

(5) An order of the court made under division (B)(4) of this section is a final and appealable order.

Sec. 3770.25. (A) The state lottery commission shall offer lottery sports gaming only at type C sports gaming hosts' facilities on self-service or clerk-operated terminals, and only to individuals who are at least twenty-one years of age and who are physically present on the premises of the facility.

(B) All of the following apply concerning lottery sports gaming:

(1) If a type C sports gaming proprietor intends to install more than two terminals in any type C sports gaming

host's facility, the type C sports gaming proprietor shall notify the Ohio casino control commission of that fact not later than seven days before installing the additional terminals. The commission may disallow the installation of more than two terminals in the facility, in accordance with the commission's rules.

(2) The self-service terminal or the clerk, as applicable, shall verify that the lottery sports gaming participant is at least twenty-one years of age.

(3) A type C sports gaming proprietor may offer only the following types of wagers on sporting events, as approved by the Ohio casino control commission:

(a) Spread wagers;

(b) Over-under wagers;

(c) Moneyline wagers;

(d) Parlay wagers that are based on not more than four component wagers.

(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.

(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.

(6) The rules of the Ohio casino control commission and

the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.

(C)(1) A participant whose winnings from lottery sports gaming are of an amount that ~~is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ does not meet or exceed the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings by any of the following methods:

(a) As a credit to the participant's credit card, debit card, or electronic payment account~~.~~;

(b) In cash from any type C sports gaming host;

(c) By any additional method permitted by the state lottery commission by rule.

(2) A participant whose winnings from lottery sports gaming are of an amount that ~~is subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings in the ~~same~~ manner ~~as any other~~ determined by the state lottery ~~prize award of an amount that is subject to~~ commission, subject to withholding by the sports gaming proprietor under ~~those~~ sections 718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or subject to withholding by the state lottery commission under sections 718.031, 3770.071, 3770.073, and 5747.062 of the Revised Code, as applicable.

Sec. 3772.06. (A)(1) The commission shall appoint an executive director who shall serve at the pleasure of the

commission. The executive director is in the unclassified service, shall devote full time to the duties of the office, and shall hold no other office or employment. The executive director shall, by experience and training, possess management skills that equip the executive director to administer an enterprise of the nature of the commission. The executive director shall not have a pecuniary interest in any business organization that holds a license under this chapter, or that does business with any person licensed under this chapter. A member of the general assembly, a person who holds an elective office, or an office holder of a political party is ineligible to be appointed executive director at the same time as being such a member or holding such an office. The executive director shall receive an annual salary in accordance with pay range 48 of the schedules created under section 124.152 of the Revised Code.

(2) The executive director, before entering upon the discharge of the executive director's official duties, shall give, and thereafter shall maintain, bond in the amount of twenty-five thousand dollars, payable to the state, conditioned upon the executive director's faithful and proper performance of the executive director's official duties. The bond shall be issued by a surety authorized to do business in this state and shall be filed with the secretary of state. The bond may be an individual bond or a schedule or blanket bond.

(B)(1) The executive director or a deputy designated in writing by the executive director shall attend all meetings of the commission and shall act as its secretary. The executive director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office.

(2) The executive director shall be the chief executive officer and shall be responsible for keeping all commission records and supervising and administering casino gaming in accordance with this chapter, and enforcing all commission rules adopted under this chapter.

(3) The executive director shall hire staff, including an assistant director or deputy directors, as necessary to assist the executive director in the executive director's duties under this chapter. In appointing employees, the executive director is subject to section 3772.061 of the Revised Code. The executive director may employ employees as necessary, unless the commission determines otherwise. Except as otherwise provided in this chapter, all costs of administration incurred by the executive director and the executive director's employees shall be paid out of the casino control commission fund.

(C) A state agency or other unit of state government shall cooperate with the commission, and shall provide the commission with information and services the commission considers necessary to carry out the commission's duties and functions under this chapter.

(D) The executive director shall confer at least once each month with the commission, at which time the executive director shall advise it regarding the operation and administration of the commission and casino gaming. The executive director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the commission and casino gaming. The executive director shall prepare and make available to the commission each month a complete and accurate accounting of gross casino gaming revenues, and all other relevant financial

information, including an accounting of all transfers made from the casino control commission fund.

Sec. 3775.16. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each sports gaming proprietor to identify patrons who owe amounts to the state or a political subdivision.

(B)(1) ~~Before~~ Subject to division (E) of this section, before disbursing any sports gaming winnings to a patron in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a sports gaming proprietor shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the sports gaming proprietor shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C)(1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and

family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final.

(E) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B)(3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 3770.073 of the Revised Code.

(F) The attorney general, in consultation with the commission, may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 3776.01. As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

(B) "Environmental health specialist" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.

(C) "Registered environmental health specialist" means a person who is registered as an environmental health specialist in accordance with this chapter.

(D) "Environmental health specialist in training" means a person who is registered as an environmental health specialist in training in accordance with this chapter.

(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 3730., or 3733. of the Revised Code;

(2) Chapter 3734. of the Revised Code as it pertains to solid ~~and hazardous~~ waste;

(3) Section 955.26, 955.261, 3701.344, 3707.01, 3707.03, 3707.26, or 3715.021 of the Revised Code;

(4) Rules adopted under Chapter 3749. of the Revised Code pertaining to swimming pools.

"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered environmental health specialist.

The director of health may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the director under Chapter 119. of the Revised Code.

Sec. 3780.02. Authorization and purpose.

(A) Controlled and regulated sales and use of adult use cannabis shall be permitted under this chapter for the following public purposes:

(1) Reducing illegal marijuana sales and providing for a safer and regulated cannabis product;

(2) Limiting the transportation of out-of-state cannabis into the state;

(3) Providing key funding to ~~support social equity, job creation, host communities that have adult use dispensaries, cannabis research, and proper oversight and regulation of the adult cannabis industry; and~~

~~(4) Improving social equity issues to address the state's compelling interest to redress past and present effects of discrimination and economic disadvantage for individuals in the state~~fund the needs of the state, including law enforcement training and operations, public health and safety, access to justice initiatives, and administration of adult use marijuana laws.

(B) Adult use cannabis shall only be sold to, or used by, an adult use consumer pursuant to this chapter unless otherwise authorized pursuant to the Revised Code.

(C) Nothing in this chapter shall limit any sale, use, possession, or any other activity authorized by Chapter 3796. of the Revised Code.

Sec. 3780.03. Establishment and authority of division of cannabis control; adoption of rules.

(A) There is hereby established a division of cannabis control within the department of commerce.

(B) To ensure the proper oversight and control of the adult use cannabis industry, the division of cannabis control shall have the authority to license, regulate, investigate, and penalize adult use cannabis operators, adult use testing laboratories, and individuals required to be licensed under this chapter.

(C) The division of cannabis control shall adopt, and as advisable and necessary shall amend or repeal, rules on the following:

(1) Prevention of practices detrimental to the public interest consistent with this chapter, and also ways to educate the public about this chapter;

(2) Establishing application, licensure, and renewal standards and procedures for license applicants or license holders related to adult use cannabis operators, adult use testing laboratories, and individuals required to be licensed, including any additional background check requirements, the disqualifying offenses under section 3780.01 of the Revised Code that prohibit licensure, and any exemption criteria from licensing requirements for institutional or private investors who do not

have significant control or influence over a license applicant or license holder, and whose ownership in a license is for investment purposes only;

(3) Establishing reasonable application, licensure, and renewal fees amounts to ensure license applicants and license holders under this chapter pay for the actual costs for administration and licensure for the division of cannabis control;

(4) Establishing standards for provisional licenses for an individual who is required to be licensed and who has exigent circumstances. Such standards for provisional licenses must include submission of a complete application and compliance with a required background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed, at the division of cannabis control's discretion, for an additional three months. In establishing standards with regard to instant background checks the division of cannabis control may use all available resources~~;~~.

(5) Specifying the process and reasons for which a license holder may be fined, suspended either with or without a prior hearing, revoked, or not renewed or issued;

(6) The process and requirements for division of cannabis control approval of any requested change in ownership or transfer of control of an adult use cannabis operator or adult use testing laboratory;

(7) Establishing ~~process~~ processes and standards for expanding the size of the cultivation area for a cultivation facility;

(8) Establishing standards and procedures for the testing of adult use cannabis by an adult use testing laboratory licensed under this chapter. When establishing standards and procedures

for the testing of cannabis, the division of cannabis control shall do all of the following:

(a) Specify when testing must be conducted;

(b) Determine the minimum amount of adult use cannabis that must be tested;

(c) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of cannabis products processed ~~for~~ and dispensed; and

(d) Specify the manner in which test results are provided.

(9) The minimum amount of insurance or surety bond that must be maintained by an adult use cannabis operator and adult use testing laboratory;

(10) Requiring the division of cannabis control to adopt reasonable standards for any adult use cannabis samples, and advertising as prescribed in section 3780.21 of the Revised Code;

(11) Requiring that the records, including financial statements, of an adult use cannabis operator or adult use testing laboratory be maintained in the manner up to two years as prescribed by the division of cannabis control and which shall be made available for inspection upon demand by the division of cannabis control, but shall be subject to section 3780.31 of the Revised Code;

(12) Prescribing technical standards and requirements consistent with industry standards that must be met for security and surveillance equipment necessary for the provision of security and surveillance of adult use cannabis operators and adult use testing laboratories;

(13) Prescribing requirements for a license holder's provision of security services for an adult use cannabis operator and adult use testing laboratories which shall include the license holder's option to use armed or unarmed services including through agents of the license holder;

(14) Prescribing standards according to which license holders shall keep accounts and standards according to which adult use cannabis operators and adult use testing laboratories accounts shall be audited, and establish guidance for assisting the department of taxation in levying and collecting the adult use tax levied under section 3780.22 of the Revised Code;

(15) Determining penalties for violation of division of cannabis control rules or this chapter, and a process for imposing such penalties;

(16) Training requirements for employees and agents of adult use cannabis operators and adult use laboratories;

(17) Prescribing standards and procedures to allow for adult use cannabis delivery to adult use consumers, and online and mobile ordering procedures, which may only be conducted by an adult use dispensary or their agent;

(18) Prescribing cannabis inventory requirements to be maintained in an electronic database consistent with section 3780.05 of the Revised Code;

(19) Prescribing standards and procedures for product packaging and labeling of adult use cannabis products;

(20) ~~Prescribing standards and procedures in coordination with the department of development to administer and enforce the cannabis social equity and jobs program as prescribed under 3780.19 of the Revised Code;~~

~~(21)~~ Establishing a tetrahydrocannabinol content limit for adult use cannabis, which for plant material the content limit shall be ~~no~~ not less than thirty-five per cent and for extracts the content limit shall be ~~no~~ not less than ninety per cent, but that such content limits may be increased or eliminated by the division of cannabis control; and

~~(22)~~(21) Prescribing duty to update requirements for license holders.

(D) All rules adopted under this section and chapter shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) In addition to the rules described in division (C) of this section, the division of cannabis control may adopt any other rules it considers necessary for the administration, implementation, and enforcement of this chapter consistent with this chapter.

(F) When adopting rules under this section, the division of cannabis control shall consider standards and procedures that have been found to be best practices relative to the use and regulation of adult use cannabis and shall harmonize any rules with the rules adopted pursuant to sections 3796.03 and 3796.04 of the Revised Code to minimize duplication of operational requirements and fees as much as possible. If there is a conflict with Chapter 3796. of the Revised Code and related rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related rules, then ~~chapter~~ Chapter 3780. of the Revised Code and related rules shall govern.

Sec. 3780.06. Information provided by the department of taxation.

(A)(1) Notwithstanding section 149.43 of the Revised Code or any

other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of the division of cannabis control, the department of taxation shall provide to the division of cannabis control all of the following information:

(a) Whether an applicant for license or licensee under this chapter follows the applicable tax laws of this state;

(b) Any past or pending violation by the applicant or licensee of those tax laws, and any penalty imposed on the applicant or licensee for such a violation.

(2) The division of cannabis control shall request the information only as it pertains to an application for license that the division of cannabis control is reviewing or a licensee operating under this chapter.

(3) The department of taxation may charge the division of cannabis control a reasonable fee to cover the administrative cost of providing the information.

(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the division of cannabis control shall not make the information available to any person other than the applicant for licensure or the licensee to whom the information applies.

Sec. 3780.10. Adult use cannabis operator and adult use testing laboratory licenses.

(A) No person shall operate as an adult use cannabis operator or adult use testing laboratory without a license issued pursuant to this chapter.

(B) The following licenses shall be issued by the division of

cannabis control within nine months of ~~the effective date of this section~~ December 7, 2023, if the license applicant is in compliance with section 3780.11 of the Revised Code and this chapter, and the license applicant has, or the same owners of the license applicant~~,~~ have, a certificate of operation or medical provisional license issued as of ~~the effective date of this section~~ December 7, 2023:

(1) A dispensary issued a certificate of operation or medical provisional license shall be issued an adult use dispensary license under this chapter for the current location of the dispensary;

(2) A level I cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter three adult use dispensary licenses at locations designated in a license application, and one level I adult use cultivator license for the current location of the level I cultivation facility;

(3) A level II cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a location designated in the license application, and one level II adult use cultivator license for the current location of the level II cultivation facility;

(4) A dispensary issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a different location as designated in the license application if the dispensary does not have any common ownership or control with any level I adult use cultivator, level II adult use cultivator, or adult use processor license applicant or licensee;

(5) A processor issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use processor license for the current location of the processor; and

(6) A testing laboratory issued a certificate of operation shall be issued under this chapter one adult use testing laboratory license for the current location of the testing laboratory.

Notwithstanding anything in this section, a license shall not be issued pursuant to division (B) of this section to a license applicant holding only a related medical provisional license unless the medical provisional license holder is issued a certificate of operation within two years of ~~the effective date of this section~~ December 7, 2023.

(C) The division of cannabis control shall issue up to forty level III adult use cultivator licenses consistent with this chapter ~~with preference provided to applicants who have been certified as cannabis social equity and jobs program participants under the cannabis social equity and jobs program pursuant to 3780.19 of this chapter~~. No person may have any ownership or control in more than one level III adult use cultivator license under this chapter. No adult use cultivator or adult use processor may have any ownership or control in a level III adult use cultivator license.

(D) The division of cannabis control shall issue up to fifty additional adult use dispensary licenses in conformity with this chapter ~~with preference provided to applicants who have been certified as cannabis social equity and jobs program participants under the cannabis social equity and jobs program~~.

(E) Following twenty-four months from the first date of issuance

of an adult use operator license, the division of cannabis control shall review the number of adult use cannabis operator licenses on a biannual basis and may authorize additional licenses after considering:

(1) The current and anticipated market growth and consumer demand, including the number of adult use consumers seeking adult use cannabis;

(2) The current and projected supply of adult use cannabis produced by licensed adult use cultivators, level III adult use cultivators, and adult use processors; and

(3) The geographic distribution of adult use dispensary sites in an effort to ensure adult use customer access to adult use cannabis.

(F)(1) The division of cannabis control shall provide a report and recommendation within ninety days of the conclusion of the requirements in division (E) of this section to the director for consideration.

(2) The division of cannabis control may adopt rules as necessary to implement this division.

(3) The division of cannabis control shall adopt a rule regarding the number of licenses a license holder may hold for each type of license consistent with this chapter. As of ~~the effective date of this section~~ December 7, 2023, and notwithstanding any other provision of this chapter, no person shall be issued more than eight adult use dispensary licenses, ~~and~~ not more than one adult use cultivator license, and not more than one adult use processor license at any time, unless authorized by the division of cannabis control after an analysis supporting the licensing pursuant to rule.

(G) The division of cannabis control may authorize additional adult use testing laboratory licenses at any time.

Sec. 3780.22. (A) Terms used in this section have the same meanings as in section 5739.01 of the Revised Code. As used in this section, "adult use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult use consumer, in accordance with this chapter.

(B) For the purpose of funding the needs of the state, including law enforcement training and operations, public health and safety, access to justice initiatives, and administration of adult use marijuana laws, an excise tax is levied on the retail sale of adult use marijuana. The rate of the tax shall equal twenty per cent of the price of adult use marijuana and is in addition to other taxes levied under Chapters 5739. and 5741. of the Revised Code.

(C) The tax shall be paid by the consumer to the vendor at the time of the sale, and the vendor shall report and remit the tax to the state in the same manner and at the same time the vendor reports and remits the tax levied under section 5739.02 of the Revised Code. The return required under this division shall be filed on a form prescribed by the tax commissioner, which shall be separate from the return required to be filed under section 5739.12 of the Revised Code. A vendor with no sales of adult use marijuana for a reporting period is not required to file this separate return. Except as otherwise provided in this section and section 3780.23 of the Revised Code, and for all purposes of the Revised Code, the tax levied under this section shall be considered a tax levied under section 5739.02 of the Revised Code.

(D) For the same purpose as the tax levied under division

(B) of this section, a tax is levied on a vendor that sells any marijuana other than adult use marijuana or medical marijuana to a consumer. That tax equals twenty per cent of the price of such marijuana, and the consumer and vendor are liable for any amounts, including tax, interest, and penalties, imposed under this section and chapter in the same manner as a vendor subject to the tax imposed under division (B) of this section.

Sec. 3780.23. ~~Funds~~ Fund created.

(A) For the purpose of receiving and distributing, and accounting for, revenue received from the adult use tax levied by section 3780.22 of the Revised Code and any civil penalty paid under division (B)(4) of section 3780.26 of the Revised Code, the ~~following funds are~~ adult use tax fund is created in the state treasury~~:~~

~~(1) The adult use tax fund;~~

~~(2) The cannabis social equity and jobs fund;~~

~~(3) The host community cannabis fund;~~

~~(4) The substance abuse and addiction fund; and~~

~~(5) The division of cannabis control and tax commissioner fund~~.

(B) All monies collected from the tax levied under this chapter shall be deposited into the adult use tax fund~~.~~

~~(C) Unless otherwise authorized under this chapter or rule, the director of budget and management shall transfer amounts to each fund as follows:~~

~~(1) Thirty-six per cent to the cannabis social equity and jobs fund to be used to implement the requirements of 3780.19 of the Revised Code;~~

~~(2) Thirty-six per cent to the host community cannabis fund for the benefit of municipal corporations or townships that have adult use dispensaries, and the municipal corporations or townships may use such funds for any approved purpose. Distributions to municipal corporations or townships shall be based on the percentage of adult use tax attributable to each municipal corporation or township;~~

~~(3) Twenty-five per cent to the substance abuse and addiction fund to support the efforts of the department of mental health and addiction services to alleviate substance and opiate abuse and related research in the state under section 3780.30 of the Revised Code; and~~

~~(4) Three per cent to the division of cannabis control and tax commissioner fund to support the operations of the division of cannabis control and to defray the cost of the department of taxation for administering the tax levied under section 3780.22 of the Revised Code.~~

~~Payments under of this section shall be made by the end of the month following the end of each quarterly period. The tax commissioner shall make the data available to the director of the office of budget and management for this purpose and the director of budget and management shall transfer amounts the funds in this section as required. The tax commission may serve as agent of the municipal corporations or townships only for the purposes of division (C)(2) of this section as promulgated by rule~~ to be used as follows:

(1) Fourteen per cent for substance abuse prevention, treatment, and recovery programs as well as the administration of the 9-8-8 suicide prevention and mental health crisis hotline created under section 5119.82 of the Revised Code;

(2) Two and one-half per cent to the department of commerce and the department of taxation for the administration of the nonmedical cannabis tax and program regulation;

(3) Twenty-five per cent to fund grants to fund the construction, renovation, or improvement of county jails;

(4) Fourteen per cent to fund the training of peace officers and troopers required under section 109.803 of the Revised Code, but in no event shall the total amount used for that purpose exceed forty million dollars per fiscal year;

(5) Sixteen per cent to fund the training of peace officers, including construction, renovation, or improvement of facilities for peace officer training;

(6) Five per cent to fund local drug task forces, but in no event shall the total amount used for that purpose exceed fourteen million two hundred fifty thousand dollars per fiscal year;

(7) Eight per cent to fund safe driver programs;

(8) Four per cent to fund Ohio investigative unit operations, which shall be used by the director of public safety for the same purposes as the Ohio investigative unit fund created under section 5502.132 of the Revised Code;

(9) Four per cent to fund Ohio poison control programs and laboratory testing;

(10) Five per cent, through fiscal year 2030, not to exceed fourteen million two hundred fifty thousand dollars per fiscal year, to the attorney general for administering requests for expungement.

(C) The director of budget and management shall transfer any

amounts that are in excess of the amounts allocated in division (B) of this section to the general revenue fund.

Sec. 3780.25. Local authority regarding adult use cannabis operators.

(A) ~~The~~ Except as provided in divisions (B) and (C) of this section, the legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of, adult use ~~cannabis operators permitted under this chapter~~ cultivators, adult use processors, or adult use dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.

(B) ~~Notwithstanding division (A) above:~~

~~(1) Existing cultivators, processors, or dispensaries who have a certificate of operation may not be prohibited or limited by a municipal corporation or township from operating under Chapter 3796of the Revised Code and Chapter 3796of the Administrative Code by a municipal corporation or township unless there is a revocation of the certificate of operation;~~

~~(2) Adult use cultivators, adult use processors, and adult use dispensaries that are co-located on the same parcel or contiguous parcels with an adult use cultivator and an adult use processor, who are applicants or license holders under this chapter, and whose owners also have a certificate of operation at the same location as the effective date of this section, may not be prohibited or limited by any municipal corporation or township from operating as an adult use cultivator, adult use processor, or an adult use dispensary co-located with an adult~~

~~use cultivator and an adult use processor under this chapter because of the significant capital investment in the facilities; and~~

~~(3) Dispensaries, or the owners of dispensaries, who have a certificate of operation, and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation, as of the effective date of this section, shall also be authorized to operate as an adult use dispensary without any municipal or township prohibitions upon receiving a license from the division of cannabis control, unless a majority of the members of the legislative authority of a municipal corporation affirmatively pass an ordinance, or a majority of township trustees in a township affirmatively pass a resolution, after the license is issued and within one hundred and twenty days from license issuance, prohibiting the operation of the adult use dispensary within the municipal corporation or within the unincorporated territory of the township, respectively.~~

~~(C) If a majority of the members of the legislative authority of a municipal corporation pass an ordinance, or a majority of township trustees in a township pass a resolution, prohibiting the adult use dispensary pursuant to division (B)(3) of this section, then the adult use dispensary license holder shall cease operations within sixty days, unless the adult use dispensary license holder files with the board of elections within the sixty day timeframe a petition prescribed by the secretary of state, and signed by the lessor of one hundred qualified electors or five per cent of the qualified electors of the municipal corporation or township, requesting that the issue, of whether the adult use dispensary shall remain open as long as the adult use dispensary is licensed pursuant to chapter~

~~3780of the Revised Code by the division of cannabis control and the municipal corporation or township is eligible to receive host community cannabis funding, be placed on the next general election ballotwhich election shall not occur less than ninety days from petition filing. If the required signatures and form of petition is verified by the board of election, the issue shall be placed on the next general election which is ninety days or greater away from the petition filing, and notwithstanding any provision of this chapter, the adult use dispensary license holder may continue to operate until the issue is decided at the next authorized general election. A board of elections may discontinue verifying signatures when the number of verified signatures on a petition equals the minimum number of qualified signatures. The secretary of state shall adopt rules in accordance with 119of the Revised Code for the proper administration and implementation of divisions (C) and (D) of this section.~~

~~(D) The form of the ballot to be used at the election provided for in division (C) of this section shall be as follows:~~

~~"Shall the following adult use dispensary, _____ (here insert name of adult use dispensary), whose owners also have had a licensed medical marijuana dispensary at _____ (here insert address) since _____ (here insert the date of opening), remain open as long as the adult use dispensary is licensed pursuant to Chapter 3780of the Revised Code by the Division of Cannabis Control under the Department of Commerce, and the_____ (here insert name of municipal corporation or township) is eligible to receive host community cannabis funding?~~

~~Yes for the Issue~~

~~No for the Issue~~

"

~~(E) If a majority of the voters at the general election vote yes for the issue, then the adult use dispensary may operate within the municipal corporation or township and the municipal corporation or township shall receive related host community cannabis funding as authorized under section 3780.23 of the Revised Code.~~

~~(F) If a majority of the voters at the general election vote no for the issue, then:~~

~~(1) The dispensary with a certificate of operation at that location may continue to operate at its current address, or the dispensary may request to relocate the dispensary within ninety days of election certification consistent with the requirements of Chapter 3796of the Revised Code, and related rules, which relocation request shall be approved regardless of the dispensary districts established by the board of pharmacy as long as the relocation request meets all other applicable requirements of Chapter 3796of the Revised Code and related rules; and~~

~~(2) The adult use dispensary must close within ninety days of election certification unless the adult use dispensary applies to the division of cannabis control for a request to relocate within ninety days of the election certification, and then the adult use dispensary may continue to operate until the request to relocate is approved by the division of cannabis control. The division of cannabis control shall review and approve a request to relocate timely once the request to relocate application is in compliance with this chapter and related rules.~~

~~(G) A legislative authority of a municipal corporation or a board of township trustees is prohibited from:~~

~~(1) Adopting an ordinance or resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity;~~

~~(2) Levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the municipal corporation or township;~~

~~(3) Prohibiting or limiting home grow otherwise authorized under this chapter; and~~

~~(4) Prohibiting or restricting an activity that is authorized by this chapter.~~The legislative authority of a municipal corporation shall not adopt an ordinance, and a board of township trustees shall not adopt a resolution, that prohibits or limits the operations of an adult use cultivator, adult use processor, or adult use dispensary licensed under this chapter on or after the effective date of this amendment. This division does not prohibit the enforcement of a municipal ordinance or township resolution adopted before the effective date of this amendment.

(C) This section does not authorize the legislative authority of a municipal corporation or a board of township trustees to adopt an ordinance or resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board

or equivalent entity.

Sec. 3780.26. Enforcement authority of the division of cannabis control.

(A) The division of cannabis control shall enforce, or cause to be enforced, all sections of this chapter and the rules adopted thereunder. If the division of cannabis control has information that any provision of this chapter or that any rule adopted thereunder has been violated, it may investigate the matter and take any reasonable action as it considers appropriate.

(B) The division of cannabis control may do any of the following for any reason specified in rules adopted under section 3780.03 of the Revised Code:

(1) Suspend, suspend without prior hearing upon finding clear and convincing evidence that continued distribution of adult use cannabis presents a danger of immediate and serious harm to others, revoke, restrict, or refuse to renew a license it issued under this chapter;

(2) Refuse to issue a license unless a license is required in accordance with this chapter;

(3) Inspect the premises of an adult use cannabis operator or an adult use testing laboratory without prior notice; or

(4) Impose on a provisional license holder or license holder a civil penalty in an amount to be determined by the division of cannabis control through rule to be paid into the ~~division of cannabis control and tax commissioner fund~~adult use tax fund created under section 3780.23 of the Revised Code.

(C) If the division of cannabis control suspends, revokes, or refuses to renew any license issued under this chapter or

determines that there is clear and convincing evidence of a danger of immediate and serious harm to any individual, the division of cannabis control may place under seal all adult use cannabis owned by or in the possession, custody, or control of the affected license holder. Except as provided in this section, the division of cannabis control shall not dispose of the adult use cannabis sealed under this section until the license holder exhausts all of the license holder's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the division of cannabis control, during the pendency of the appeal, to sell cannabis that is perishable. The division of cannabis control shall deposit the proceeds of the sale with the court.

(D) The division of cannabis control's enforcement actions under this section shall be taken in accordance with Chapter 119. of the Revised Code.

(E) Nothing in this chapter shall be construed to require the division of cannabis control to enforce minor violations of this chapter if the division of cannabis control determines that the public interest is adequately served by a notice or warning to the alleged offender.

Sec. 3780.30. Cannabis addiction services; toll-free telephone numbers.

(A) The division of cannabis control shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program for cannabis addiction services to be implemented on behalf of the division of cannabis control, which includes best practices for education and treatment for individuals with addiction issues related to cannabis or other controlled substances, including

opioids.

(B) The department of mental health and addiction services shall establish, operate, and publicize an in-state, toll-free telephone number Ohio residents may call to obtain basic information about addiction services available to ~~consumer~~ consumers, and options for an addicted consumer to obtain help. The telephone number shall be staffed twenty-four hours per day, seven days a week in order to respond to inquiries and provide that information. The costs of establishing, operating, and publicizing the telephone number shall be paid for ~~with money in the substance abuse and addiction fund~~with funds allocated under division (B)(1) of section 3780.23 of the Revised Code.

(C) ~~The director of mental health and addiction services shall administer the substance abuse and addiction fund.~~ The director shall use the money ~~in the fund~~ allocated under division (B)(1) of section 3780.23 of the Revised Code to support addiction services or other services that relate to addiction and substance abuse, and research that relates to addiction and substance abuse. Treatment and prevention services supported by such money ~~in the fund under this section~~ shall be services that are certified by the department of mental health and addiction services.

(D) The director of mental health and addiction services shall prepare an annual report describing the use of ~~the fund~~ funds allocated under division (B)(1) of section 3780.23 of the Revised Code for these purposes. The director shall submit the report to the director of the department of commerce, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor.

(E) License holders shall provide informational resources for

patrons related to cannabis addiction issues and services.

(F) License holders shall provide training for their employees regarding the cannabis addiction services resources for patrons related to this section.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

~~(2)~~ (2)(a) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable.

(b) The rules governing residential buildings are uniform requirements ~~for residential buildings~~ in any area with a building department certified to enforce the state residential building code in accordance with division (E) of this section, for both of the following:

(i) The erection and construction of new residential buildings;

(ii) The repair and alteration of existing residential

buildings.

(c) In no case shall any local code or regulation differ from the state residential building code for either the erection and construction of new residential buildings or for the repair and alteration of existing residential buildings unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. Except as otherwise provided in division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by

rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall

recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code for the erection and construction of new residential buildings, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. A department certified to enforce the state residential building code for the erection and construction of new residential buildings may also enforce the state residential building code for the repair and alteration of existing residential buildings upon obtaining the appropriate certification from the board, in accordance with this section, for the department and its personnel. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for

residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or

corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are

certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) If the certification is requested for residential buildings, whether the requested certification is for only the erection and construction of new residential buildings or also the repair and alteration of existing residential buildings;

(c) The number and qualifications of the staff composing the building department;

~~(c)~~ (d) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

~~(d)~~ (e) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division

(E)(7) of this section;

~~(e)~~ (f) The proposed budget for the operation of the building department;

(g) Whether the building department intends to accept plans examination and inspection reports from a third-party examiner or inspector in accordance with rules adopted by the board of building standards pursuant to division (E)(15) of this section.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential

building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(14) The board shall certify a person to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(a) The person holds a license or certificate in another state.

(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not issue that license or certificate.

(15)(a) In addition to the personnel and persons certified

by the board of building standards pursuant to this section, the board may adopt rules authorizing certified municipal, township, and county building departments to accept plans examination and inspection reports from a third-party examiner or inspector, but only with respect to the state building codes, or portions thereof, the building department is certified to enforce.

(b) The rules may require the third-party examiner or inspector be certified pursuant to sections 3781.10 and 3783.03 of the Revised Code and authorized to conduct such a plans examination or inspection elsewhere in this state or to demonstrate equivalent competency as specified and determined by the board of building standards.

(c) Fees charged by a third-party examiner or inspector are in addition to any fees prescribed by the political subdivision pursuant to section 3781.102 of the Revised Code and are the responsibility of the building owner.

(d) The issuance of certificates of plan approval under section 3791.04 of the Revised Code and certificates of occupancy or completion remains the exclusive authority of the certified personnel employed by or under contract with a certified municipal, township, and county building department and shall not be issued by a third-party examiner or inspector.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of children and youth when the director promulgates rules pursuant

to section 5104.05 of the Revised Code regarding safety and sanitation in type A family child care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

(L) The board may establish a grant program to assist municipal, township, and county building departments certified by the board pursuant to division (E) of this section in the recruitment, training, and retention of qualified personnel.

Sec. 3781.102. (A) Any county or municipal building department certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified pursuant to division (E) of section 3781.10 of the Revised Code, is hereby declared to be certified to inspect single-family, two-family, and three-family residences containing industrialized units, and shall inspect the buildings or classes of buildings subject to division (E) of section 3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by resolution, rules establishing standards and providing for the licensing of electrical and heating, ventilating, and air conditioning contractors who are not required to hold a valid and unexpired license pursuant to Chapter 4740. of the Revised Code.

Rules adopted by a board of county commissioners pursuant to this division may be enforced within the unincorporated areas of the county and within any municipal corporation where the legislative authority of the municipal corporation has

contracted with the board for the enforcement of the county rules within the municipal corporation pursuant to section 307.15 of the Revised Code. The rules shall not conflict with rules adopted by the board of building standards pursuant to section 3781.10 of the Revised Code or by the department of commerce pursuant to Chapter 3703. of the Revised Code. This division does not impair or restrict the power of municipal corporations under Section 3 of Article XVIII, Ohio Constitution, to adopt rules concerning the erection, construction, repair, alteration, and maintenance of buildings and structures or of establishing standards and providing for the licensing of specialty contractors pursuant to section 715.27 of the Revised Code.

A board of county commissioners, pursuant to this division, may require all electrical contractors and heating, ventilating, and air conditioning contractors, other than those who hold a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code, to successfully complete an examination, test, or demonstration of technical skills, and may impose a fee and additional requirements for a license to engage in their respective occupations within the jurisdiction of the board's rules under this division.

(C) No board of county commissioners shall require any specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code to successfully complete an examination, test, or demonstration of technical skills in order to engage in the type of contracting for which the license is held, within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal

corporation, pursuant to section 307.15 of the Revised Code.

(D) A board may impose a fee for registration of a specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code before that specialty contractor may engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code, provided that the fee is the same for all specialty contractors who wish to engage in that type of contracting. If a board imposes such a fee, the board immediately shall permit a specialty contractor who presents proof of holding a valid and unexpired license and pays the required fee to engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees

pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with the erection of and construction of new residential buildings and, if the political subdivision elects under division (E) of section 3781.10 of the Revised Code to enforce the state residential building code for the repair and alteration of existing residential buildings, one per cent of the fees the political subdivision collects in connection with the repair and alteration of existing residential buildings.

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction

advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code;

(d) Administering a grant program established under division (L) of section 3781.10 of the Revised Code and awarding grants to municipal, township, and county building departments under that program.

(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.

(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are

described in Chapter 4740. of the Revised Code.

Sec. 3793.01. As used in this chapter:

(A) "Algorithmic ranking system" means a computational process, including one derived from algorithmic decision-making, machine learning, statistical analysis, or other data processing or artificial intelligence techniques, used to determine the selection, order, relative prioritization, or relative prominence of content from a set of information that is provided to a user on an online platform, including the ranking of search results, the provision of content recommendations, the display of social media posts, or any other method of automated content selection.

(B) "Approximate geolocation information" means information that identifies the location of an individual, but with a precision of less than five miles.

(C)(1) "Broadband internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service.

(2) "Broadband internet access service" includes any service that the federal communications commission finds to be providing a functional equivalent of the service described in division (C)(1) of this section or that is used to evade the protections set forth in this chapter.

(D) "Child" means an individual under thirteen years of age.

(E) "Compulsive use" means a persistent and repetitive use of a covered platform that significantly impacts one or more of an individual's major life activities, including socializing, sleeping, eating, learning, reading, concentrating, communicating, or working.

(F) "Connected device" means a device that is all of the following:

(1) Capable of connecting to the internet, directly or indirectly, to communicate information at the direction of an individual;

(2) Has computer processing capabilities for collecting, sending, receiving, or analyzing data;

(3) Primarily designed for or marketed to consumers.

(G)(1) "Covered platform" means an online platform, online video game, messaging application, or video streaming service that connects to the internet and that is used, or is reasonably likely to be used, by a child or teen.

(2) "Covered platform" does not include any of the following:

(a) An entity acting in the entity's capacity as a provider of any of the following:

(i) A common carrier service subject to the "Communications Act of 1934," 47 U.S.C. 151 et seq., or a supplemental federal law;

(ii) A broadband internet access service;

(iii) An electronic mail service;

(iv) A teleconferencing or video conferencing service that

allows reception and transmission of audio or video signals for real-time communication, provided that the service is not an online platform and the real-time communication is initiated by using a unique link or identifier to facilitate access;

(v) A wireless messaging service, including such a service provided through short messaging service or multimedia messaging service protocols, that is not a component of, or linked to, an online platform and where the predominant or exclusive function is direct messaging consisting of the transmission of text, photos, or videos that are sent by electronic means, where messages are transmitted from the sender to a recipient, and are not posted within an online platform or publicly.

(b) An organization not organized to carry on business for the organization's own profit or the profit of the organization's members;

(c) Any public or private early childhood education program or preschool that provides for the care, development, and education of infants, toddlers, or young children who are not yet enrolled in kindergarten;

(d) Any public or private elementary school or secondary school, as those terms are defined in 20 U.S.C. 7801;

(e) Any public or private career and technical education school, as defined in 20 U.S.C. 2302;

(f) Any public or private school providing adult education and literacy activities, as defined in 29 U.S.C. 3272;

(g) Any institution of higher education, as defined in 20 U.S.C. 1001;

(h) A library, as defined in 20 U.S.C. 9122;

(i) A news or sports coverage web site or application where both of the following apply:

(i) The inclusion of video content on the web site or application is related to the web site's or application's own gathering, reporting, or publishing of news content or sports coverage.

(ii) The web site or application is not otherwise an online platform.

(j) A product or service that primarily functions as business-to-business software, such as a cloud storage, file sharing, or file collaboration service;

(k) A virtual private network or similar service that exists predominantly to route internet traffic between locations;

(l) A government entity with a.gov internet domain, as described in 6 U.S.C. 665.

(H) "De-identified" means data that does not identify and is not linked or reasonably linkable to a device that is linked or reasonably linkable to an individual, regardless of whether the information is aggregated.

(I)(1) "Design feature" means any feature or component of a covered platform that encourages or increases the frequency, time spent, or activity of users of the covered platform.

(2) "Design feature" includes infinite scrolling or automatic audio or video play; rewards or incentives based on the frequency, time spent, or activity of users on the covered platform; notifications and push alerts; badges or other visual award symbols based on the frequency, time spent, or activity of

users on the covered platform; personalized design features; in-game purchases; and appearance-altering filters.

(J)(1) "Disclosure" means, with respect to personal information, either of the following:

(a) Subject to division (J)(2) of this section, the release of personal information collected from a child or teen by an operator for any purpose;

(b) Making personal information collected from a child or teen by a web site, online service, online application, or mobile application directed to children or that the operator knows was collected from a child or teen, publicly available in identifiable form, by any means including by a public posting, through the internet, or through any of the following:

(i) A home page of a web site;

(ii) A pen pal service;

(iii) An electronic mail service;

(iv) A message board;

(v) A chat room.

(2) "Disclosure" does not include the release of personal information to a person other than the operator who provides support for the internal operations of the web site, online service, online application, or mobile application of the operator, excluding any activity relating to individual-specific advertising to children and teens, and who does not disclose or use that personal information for any other purpose.

(K)(1) "Directed to children" means, in the context of a commercial web site, online service, online application, or

mobile application, that the site, service, or application is targeted, in whole or in part, to children as determined by the kids internet and data safety commission in accordance with section 3793.04 of the Revised Code.

(2) A web site, online service, online application, or mobile application, is not "directed to children" solely because it refers or links users to a another site, service, or application that is directed to children by using information location tools, such as a directory, index, reference, pointer, or hypertext link.

(L) "Geolocation" means information sufficient to identify a street name and the name of a city or town.

(M)(1) "Individual-specific advertising to children or teens" means advertising or otherwise marketing a product or service in a manner directed to a specific child or teen or a connected device that is linked or reasonably linkable to a child or teen, based on any of the following:

(a) Personal information from either:

(i) The child or teen;

(ii) A group of children or teens who are similar in sex, age, household income level, race, or ethnicity to the specific child or teen to whom the product or service is marketed.

(b) Profiling of a child or teen or a group of children or teens;

(c) A unique identifier of the connected device.

(2) "Individual-specific advertising to children or teens" does not include any of the following:

(a) Advertising or marketing to an individual or an individual's connected device in response to the individual's specific request for information or feedback, such as the individual's current search query;

(b) Contextual advertising, such as when an advertisement is displayed based on the context of the web site, online service, online application, mobile application, or connected device in which the advertisement appears and does not vary based on the personal information of the viewer;

(c) Processing personal information solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement.

(N)(1) "Input-transparent algorithm" means an algorithmic ranking system that does not use user-specific data to determine the selection, order, relative prioritization, or relative prominence of information that is furnished to the user on an online platform, unless the user-specific data is expressly provided to the online platform by the user for such purpose.

(2) For the purposes of division (N)(1) of this section, user-specific data that is provided by a user for the express purpose of determining the selection, order, relative prioritization, or relative prominence of information that is furnished to such user on an online platform:

(a) Includes all of the following:

(i) User-supplied search terms, filters, speech patterns provided for the purpose of enabling the platform to accept spoken input or selecting the language in which the user interacts with the online platform, saved preferences, the resumption of a previous search, and the current precise

geolocation information that is supplied by the user;

(ii) The user's current approximate geolocation information;

(iii) Data submitted to the online platform by the user that expresses the user's desire to receive particular information, such as the social media profiles the user follows, the video channels the user subscribes to, or other content or sources of content on the online platform the user has selected.

(b) Does not include either of the following:

(i) The history of the connected device of the user, including the history of web searches and browsing, previous geographical locations, physical activity, device interaction, and financial transactions of the user;

(ii) Inferences about the user or the connected device of the user, without regard to whether such inferences are based on data described in divisions (N)(2)(a)(i) or (ii) of this section.

(O) "Internet" has the same meaning as in section 1.59 of the Revised Code.

(P) "Know" or "knows" means to have actual knowledge or knowledge fairly implied on the basis of objective circumstances.

(Q)(1) "Microtransaction" means a purchase made in an online video game, including both of the following:

(a) Purchases made using a virtual currency that is purchasable or redeemable using cash or credit or that is included as part of a paid subscription service;

(b) Purchases involving surprise mechanics, new characters, or in-game items.

(2) "Microtransaction" does not include either of the following:

(a) A purchase made in an online video game using a virtual currency that is earned through game play and is not otherwise purchasable or redeemable using cash or credit or included as part of a paid subscription service;

(b) A purchase of additional levels within the game or an overall expansion of the game.

(R)(1) "Mobile application" means a software program that runs on the operating system of any of the following:

(a) A cellular telephone;

(b) A tablet computer;

(c) A similar portable computing device that transmits data over a wireless connection.

(2) "Mobile application" includes a service or application offered via a connected device.

(S) "Narcotic drug" has the same meaning as in 21 U.S.C. 802.

(T) "Online application" means an internet-connected software program, including a service or application offered via a connected device.

(U) "Online contact information" means an electronic mail address or other substantially similar identifier that permits direct contact with a person online.

(V)(1) "Online platform" means any public-facing web site,

online service, online application, or mobile application that predominantly provides a community forum for user generated content, such as sharing videos, images, games, audio files, or other content, including a social media service, social network, or virtual reality environment.

(2) A web site, online service, online application, or mobile application is not an online platform solely on the basis that it includes a chat, comment, or other interactive function that is incidental to its predominant purpose.

(3) A web site, online service, online application, or mobile application that has the predominant purpose of providing travel reviews is not an online platform.

(W) "Online video game" means a video game, including an educational video game, that connects to the internet and that allows a user to do any of the following:

(1) Create and upload content other than content that is incidental to game play, such as character or level designs created by the user, preselected phrases, or short interactions with other users;

(2) Engage in microtransactions within the game;

(3) Communicate with other users.

(X)(1) "Opaque algorithm" means an algorithmic ranking system that determines the selection, order, relative prioritization, or relative prominence of information that is furnished to such user on an online platform based, in whole or part, on user specific data that was not expressly provided by the user to the platform for such purpose.

(2) "Opaque algorithm" does not include an algorithmic

ranking system used by an online platform if both of the following apply:

(a) The only user-specific data, including inferences about the user, that the system uses is information relating to the age of the user.

(b) Such information is only used to restrict the access of a user to content on the basis that the individual is not old enough to access such content.

(Y)(1) "Operator" means a person who, for commercial purposes, in this state, operates or provides a web site on the internet, an online service, an online application, or a mobile application, and does any of the following:

(a) Collects or maintains, either directly or through a service provider, personal information from or about the users of that web site, service, or application;

(b) Allows another person to collect personal information directly from users of that web site, service, or application;

(c) Allows users of that web site, service, or application to publicly disclose personal information.

(2) "Operator" does not include a nonprofit corporation or an unincorporated nonprofit organization existing under the laws of this state or any other state.

(Z) "Parent" includes a legal guardian.

(AA) "Person" means an individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

(BB)(1) "Personal information" means individually

identifiable information about an individual collected online, including all of the following:

(a) A first and last name;

(b) A home address or other address of a physical location that includes the street name and the name of a city or town;

(c) An electronic mail address;

(d) A telephone number;

(e) A social security number;

(f) A photograph, video, or audio file containing a specific individual's image or voice;

(g) Geolocation information;

(h) Information used to identify an individual that is generated from the measurement or technological processing of an individual's biological, physical, or physiological characteristics, including fingerprints, voice prints, iris or retina imagery scans, facial templates, gait, or DNA, as defined in section 109.573 of the Revised Code;

(i) A persistent identifier that can be used to recognize a specific individual over time and across different online platforms, web sites, online services, online applications, or mobile applications, including a customer number held in a cookie, an internet protocol address, a processor or device serial number, or a unique device identifier;

(j) Any other identifier that the kids internet and data safety commission determines permits the physical or online contacting of a specific individual;

(k) Information linked or reasonably linkable to an

individual that is collected online and combined with an identifier described in division (BB)(1) of this section.

(2) "Personal information" does not include either of the following:

(a) An identifier that is used by an operator or covered platform solely for providing support for the internal operations of the web site, online service, online application, or mobile application;

(b) An audio file that contains an individual's voice if all of the following apply:

(i) The operator or covered platform does not require information via voice that would otherwise be considered personal information.

(ii) The operator or covered platform provides clear notice of the collection and use of the audio file and the deletion policy in the operator's or covered platform's privacy policy.

(iii) The operator or covered platform uses the voice within the audio file as a replacement for written words, to perform a task, or to engage with a covered platform, web site, online service, online application, or mobile application, such as to perform a search or to fulfill a verbal instruction or request.

(iv) The operator or covered platform only maintains the audio file long enough to complete the stated purpose and then immediately deletes the audio file and does not make any other use of the audio file prior to deletion.

(CC) "Personalized design feature" means a fully or

partially automated system, including a recommendation system, that is based on the collection of personal information of users and that encourages or increases the frequency, time spent, or activity of users on the covered platform.

(DD)(1) "Personalized recommendation system" means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or posts, based on the personal information of users.

(2) "Personalized recommendation system" does not include a recommendation system that suggests, promotes, or ranks content based solely on the user's language, city or town, or age.

(EE) "Precise geolocation information" means geolocation information that identifies the location of an individual to within a range of five miles or less.

(FF) "Sexual exploitation and abuse" means any of the following:

(1) Coercion and enticement, as described in 18 U.S.C. 2422;

(2) Child sexual abuse material, as described in 18 U.S.C. 2251, 2252, 2252A, and 2260;

(3) Trafficking for the production of images, as described in 18 U.S.C. 2251A;

(4) Sex trafficking of children, as described in 18 U.S.C. 1591.

(GG) "Support for the internal operations of a web site, online service, online application, or mobile application" means those activities necessary to:

(1) Maintain or analyze the functioning of a web site, online service, online application, or mobile application;

(2) Perform network communications;

(3) Authenticate users of, or personalize the content on, the web site, online service, online application, or mobile application;

(4) Serve contextual advertising, provided that any persistent identifier is only used as necessary for technical purposes to serve the contextual advertisement or to cap the frequency of advertising;

(5) Protect the security or integrity of the user, web site, online service, online application, or mobile application;

(6) Ensure legal or regulatory compliance;

(7) Fulfill a request of a child or teen when consent is not required under this chapter.

(HH) "Teen" means an individual who is at least thirteen years of age but under seventeen years of age.

(II) "User" means, with respect to a covered platform, an individual who registers an account or creates a profile on the covered platform.

(JJ) "User-specific data" means information relating to an individual or a specific connected device that would not necessarily be true of every individual or device.

(KK) "Verifiable consent" means a reasonable effort, taking into consideration available technology, to ensure that the user of a covered platform, web site, online service, online application, or mobile application, or the user's parent, as

applicable, both:

(1) Receives direct notice of the personal information collection, use, and disclosure practices of the operator or covered platform;

(2) Freely and unambiguously authorizes, before the collection of personal information from the user, the collection, use, and disclosure, as applicable, of the personal information and any subsequent use of that personal information.

Sec. 3793.02. (A) The kids internet and data safety commission is created within the department of commerce. The commission shall administer and enforce this chapter. The commission may also do the following:

(1) Identify emerging or current risks of harm to children and teens associated with online platforms;

(2) Recommend measures and methods for assessing, preventing, and mitigating harm to children and teens on online platforms;

(3) Recommend methods and themes for conducting research regarding harm to children and teens on online platforms, including research conducted in a variety of languages;

(4) Recommend best practices and clear, consensus-based technical standards for transparency reports and audits, as required by this chapter, including methods, criteria, and scope to promote overall accountability.

(B) The commission shall consist of the following members:

(1) One member appointed by the president of the senate;

(2) One member appointed by the speaker of the house of

representatives;

(3) The director of the department of mental health and addiction services or the director's designee;

(4) The director of children and youth or the director's designee;

(5) The director of commerce or the director's designee;

(6) Five members appointed by the governor, at least two of whom have expertise in preventing online harm to children and teens.

(C) The director of commerce or the director's designee shall serve as the chair of the commission.

(D) The staff of the department of commerce shall provide technical and administrative support as needed by the commission.

(E) Meetings of the commission shall take place at the call of the chair.

(F) Each member of the commission shall serve at the discretion of the member's appointing authority.

Sec. 3793.03. The kids internet and data safety commission shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement and enforce this chapter.

Sec. 3793.04. (A) For the purposes of this chapter and rules adopted by the kids internet and data safety commission thereunder, whether a web site, online service, online application, or mobile application, or any portion thereof, is directed to children, shall be determined based on the totality of circumstances and in consideration of both of the following:

(1) Competent and reliable empirical evidence regarding the composition of the actual audience of the web site, online service, online application, or mobile application;

(2) Evidence regarding the intended audience of the web site, online service, online application, or mobile application.

(B) For the purposes of this chapter and rules adopted by the commission thereunder, whether an operator or covered platform knows that a specific user is a child or teen shall be determined based on competent and reliable evidence, taking into account the totality of the circumstances, including whether a reasonable and prudent person under the circumstances would have known that the user is a child or teen. Nothing in this chapter, including a determination described in this division, shall be construed to require an operator or covered platform to do either of the following:

(1) Affirmatively collect any personal information with respect to the age of a child or teen that an operator or covered platform is not already collecting in the normal course of business;

(2) Implement an age gating or age verification functionality.

(C) Within ninety days after the effective date of this section, the commission shall issue guidance concerning both of the following:

(1) To provide information and examples for covered platforms and auditors regarding the following, with consideration given to differences across English and non-English languages:

(a) Identifying design features that encourage or increase

the frequency, time spent, or activity of children or teens on the covered platform;

(b) Safeguarding children and teens against the possible misuse of parental tools;

(c) Best practices in providing children, teens, and the parents of children and teens the most protective level of control over privacy and safety;

(d) Using indicia or inferences of age of users for assessing use of the covered platform by children and teens;

(e) Methods for evaluating the efficacy of safeguards set forth in this chapter;

(f) Providing additional parental tool options that allow parents to address the harms described in section 3793.20 of the Revised Code;

(2) Outline conduct that does not have the purpose or substantial effect of subverting or impairing user autonomy, decision-making, or choice, or of causing, increasing, or encouraging compulsive usage for a child or teen, such as the following:

(a) De minimis user interface changes derived from testing consumer preferences, including different styles, layouts, or text, where such changes are not done with the purpose of weakening or disabling safeguards or parental tools;

(b) Algorithms or data outputs outside the control of a covered platform;

(c) Establishing default settings that provide enhanced privacy protection to users or otherwise enhance their autonomy and decision-making ability.

(D) Within ninety days after the effective date of this section, the commission shall issue guidance to provide information, including best practices and examples, for operators and covered platforms to understand how the commission will determine whether an operator or a covered platform knows that a user is a child or teen for purposes of this chapter.

(E) No guidance issued by the commission with respect to this chapter confers any rights on any person or locality, nor shall such guidance operate to bind the commission or any person to the approach recommended in such guidance.

(F) Any enforcement action brought pursuant to this chapter shall allege a specific violation of a provision of this chapter. An enforcement action or consent order shall not be based on practices that are alleged to be inconsistent with any guidance issued by the commission, unless the practices allegedly violate this chapter.

Sec. 3793.05. (A) Subject to division (B) of this section, the kids internet and data safety commission shall publish on the commission's web site any report or documentation required to be submitted to the commission under this chapter.

(B) The commission shall not publish or otherwise make public any trade secret, as defined in section 1333.61 of the Revised Code, or any commercial or financial information obtained under this chapter that is privileged or confidential, except that the commission may disclose such information to either of the following:

(1) Officers and employees of appropriate state or federal law enforcement agencies upon prior certification by such an officer, employee, or agency that the information will be

maintained in confidence and will be used only for official law enforcement purposes;

(2) Any officer or employee of a foreign law enforcement agency under the same circumstances that apply to the federal trade commission in making material available to foreign law enforcement agencies under 15 U.S.C. 57b-2.

Sec. 3793.06. (A) The kids internet and data safety fund is created in the state treasury. The fund shall consist of all money collected through administrative penalties under section 3793.90 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The Ohio kids internet and data safety commission shall use the money in the fund only for the purposes of the commission's expenses administering and enforcing the provisions of this chapter.

(B) The director of mental health and addiction services may use unencumbered funds beyond the amount necessary for the commission to administer and enforce the provisions of this chapter to support online addiction treatment for minors as administered by the department of mental health and addiction services.

Sec. 3793.20. (A) A covered platform shall exercise reasonable care in the creation and implementation of any design feature to prevent and mitigate the following harms to children and teens where a reasonable and prudent person would agree that such harms are reasonably foreseeable by the covered platform and would agree that the design feature is a contributing factor to such harms:

(1) Eating disorders, substance use disorders, and suicidal behaviors;

(2) Depressive disorders and anxiety disorders when such conditions have objectively verifiable and clinically diagnosable symptoms and are related to compulsive use of the covered platform;

(3) Patterns of use that indicate compulsive use of the covered platform;

(4) Physical violence or online harassment activity that is so severe, pervasive, or objectively offensive that it impacts a major life activity of a child or teen;

(5) Sexual exploitation and abuse of a child or teen;

(6) Distribution, sale, or use of narcotic drugs, tobacco products, cannabis products, gambling, or alcohol;

(7) Financial harms caused by unfair or deceptive acts or practices or unconscionable acts or practices, as those terms are used in Chapter 1345. of the Revised Code.

(B) Nothing in this section shall be construed to require a covered platform to prevent or preclude any child or teen from doing either of the following:

(1) Deliberately and independently searching for, or specifically requesting, content;

(2) Accessing resources and information regarding the prevention or mitigation of the harms described in this section.

(C) Nothing in this section shall be construed to allow a government entity to enforce this section based upon the viewpoint of users expressed by or through any speech, expression, or information protected by the First Amendment to the Constitution of the United States.

Sec. 3793.21. (A)(1) A covered platform shall provide a user or visitor that the covered platform knows is a child or teen with readily-accessible and easy-to-use safeguards to do the following:

(a) Limit the ability of other users or visitors to communicate with the child or teen;

(b) Prevent other users or visitors, whether registered or not, from viewing the child's or teen's personal information collected by or shared on the covered platform, in particular restricting public access to personal information;

(c) Limit by default design features that encourage or increase the frequency, time spent, or activity of children or teens on the covered platform;

(d) Control personalized recommendation systems, including both of the following:

(i) A prominently displayed option to opt out of such personalized recommendation systems, while still allowing the display of content based on a chronological format;

(ii) A prominently displayed option to limit types or categories of recommendations from such systems.

(e) Restrict the sharing of the geolocation information of the child or teen and provide notice regarding the tracking of the child's or teen's geolocation information;

(2) A covered platform shall provide a user or visitor that the covered platform knows is a child or teen with a readily-accessible and easy-to-use option to limit the amount of time spent by the child or teen on the covered platform.

(3) A covered platform shall provide that, in the case of

a user or visitor that the platform knows is a child or teen, the default setting for any safeguard described under division (A)(1) of this section shall be the option available on the platform that provides the most protective level of control that is offered by the platform over privacy and safety for that user or visitor, unless otherwise enabled by the parent of the child or teen.

(B)(1) A covered platform shall provide readily-accessible and easy-to-use parental tools for parents to support a user that the platform knows is a child or teen with respect to the use of the platform by that user.

(2) The parental tools provided by a covered platform under division (B)(1) of this section shall include the ability to do all of the following:

(a) Manage a child's or teen's privacy and account settings, including the safeguards and options established under division (A) of this section, in a manner that allows parents to view the privacy and account settings and, in the case of a user that the platform knows is a child, change and control the privacy and account settings;

(b) Restrict purchases and financial transactions by the child or teen, where applicable;

(c) View metrics of total time spent on the covered platform and restrict time spent on the covered platform by the child or teen.

(3) A covered platform shall provide clear and conspicuous notice to a user when the tools described in division (D) of this section are in effect and what settings or controls have been applied.

(4) A covered platform shall provide that, in the case of a user that the platform knows is a child, the tools required under division (B) of this section shall be enabled by default.

(5) If, prior to the effective date of this section, a covered platform provided a parent of a user that the platform knows is a child with notice and the ability to enable the parental tools described under divisions (D)(1) and (2) of this section in a manner that would otherwise comply with division (D)(4) of this section, and the parent opted out of enabling such tools, the covered platform is not required to enable such tools with respect to such user by default when this section takes effect.

(C)(1) A covered platform shall provide all of the following:

(a) A readily-accessible and easy-to-use means for users and visitors to submit reports to the covered platform of harms to a child or teen on the covered platform;

(b) An electronic point of contact specific to matters involving harms to a child or teen;

(c) Confirmation of the receipt of such a report and, within the applicable time period described in division (C)(2) of this section, a substantive response to the individual that submitted the report.

(2) A covered platform shall establish an internal process to receive and substantively respond to reports submitted under division (E) of this section in a reasonable and timely manner, but in no case later than the following:

(a) Ten days after the receipt of a report, if, for the most recent calendar year, the covered platform averaged more

than three hundred fifty thousand active users on a monthly basis in this state;

(b) Twenty-one days after the receipt of a report, if, for the most recent calendar year, the covered platform averaged less than three hundred fifty thousand active users on a monthly basis in this state.

(3) Notwithstanding divisions (C)(2)(a) and (b) of this section, if a report submitted under division (C)(1) of this section involves an imminent threat to the safety of a child or teen, shall substantively respond to the report as promptly as needed to address the reported threat to safety.

(D) No covered platform shall facilitate the advertising of narcotic drugs, cannabis products, tobacco products, gambling, or alcohol to an individual that the covered platform knows is a child or teen.

(E)(1) With respect to the safeguards and parental tools described under this section, a covered platform shall provide all of the following:

(a) Information and control options in a clear and conspicuous manner that takes into consideration the differing ages, capacities, and developmental needs of the children and teens most likely to access the covered platform and does not encourage children, teens, or parents to weaken or disable safeguards or parental tools;

(b) Readily-accessible and easy-to-use controls to enable or disable safeguards or parental tools, as appropriate;

(c) Information and control options in the same language, form, and manner as the covered platform provides the product or service used by children and teens and their parents.

(2) No covered platform shall design, embed, modify, or manipulate a user interface of a covered platform with the purpose or substantial effect of obscuring, subverting, or impairing user autonomy, decision-making, or choice with respect to safeguards or parental tools required by this section.

(3)(a) Divisions (A)(1)(c) and (B)(3) of this section do not require an online video game to interrupt the natural sequence of game play, such as progressing through game levels or finishing a competition.

(b) If a user's device or user account does not have access to the internet at the time of a change to parental tools required by this section, a covered platform shall apply changes the next time the device or user is connected to the internet.

(F)(1) Nothing in this section shall be construed to prohibit a covered platform from integrating the covered platform's products or service with, or duplicate controls or tools provided by, third-party systems, including operating systems or gaming consoles, to meet the requirements imposed under divisions (A) and (B) of this section relating to safeguards for children and teens and parental tools, provided that both of the following apply:

(a) The controls or tools meet such requirements;

(b) The child or teen, or the child's or teen's parent is provided sufficient notice of the integration and use of the parental tools.

(2) In the event of a conflict between the controls or tools of a third-party system, including operating systems or gaming consoles, and a covered platform, the covered platform is not required to override the controls or tools of a third-party

system if it would undermine the protections for children or teens from the safeguards or parental tools imposed under divisions (A) and (B) of this section.

(G) A covered platform shall provide the safeguards and parental tools described in divisions (A) and (B) of this section to an educational agency or institution, rather than to the user or visitor, when the covered platform is acting on behalf of the educational agency or institution subject to a written contract that meets the requirements of section 3793.43 of the Revised Code.

(H) Nothing in this section shall be construed to do any of the following:

(1) Prevent a covered platform from taking reasonable measures to do any of the following:

(a) Block, detect, or prevent the distribution of unlawful, obscene, or other material harmful to juveniles, as defined in section 2907.01 of the Revised Code;

(b) Block or filter spam, prevent criminal activity, or protect the security of a platform service.

(2) Require the disclosure of the browsing behavior, search history, messages, contact list, or other content or metadata of the communications of a child or teen;

(3) Prevent a covered platform from using a personalized recommendation system to display content to a child or teen if the system only uses information on the following:

(a) The language spoken by the child or teen;

(b) The municipality or township in which the child or teen is located;

(c) The age of the child or teen.

(4) Prevent an online video game from disclosing a username or other user identification for the purpose of competitive game play or to allow for the reporting of users;

(5) Prevent a covered platform from contracting or entering into an agreement with a third-party entity, whose primary or exclusive function is to provide the safeguards or parental tools required under divisions (A) and (B) of this section or to offer similar or stronger protective capabilities for children and teens, to assist with meeting the requirements imposed under divisions (A) and (B) of this section;

(6) Prevent a parent or user from authorizing a third-party entity described in division (H)(5) of this section to implement such safeguards or parental tools or provide similar or stronger protective capabilities for children and teens, at the choice of the parent or user.

Sec. 3793.22. (A)(1) A covered platform shall provide in a clear, conspicuous, and easy-to-understand format, prior to allowing registration of or any purchase by an individual the platform knows is a child or teen, all of the following:

(a) Notice of the policies and practices of the covered platform with respect to safeguards for children and teens;

(b) Information about how to access the safeguards and parental tools required under section 3793.21 of the Revised Code;

(c) Notice about how to access the information on personalized recommendation systems required under division (B) of this section.

(2) In the case of an individual that a covered platform knows is a child, the platform shall provide information about the parental tools and safeguards required under section 3793.21 of the Revised Code to a parent of the child and obtain verifiable consent from that parent.

(3) For purposes of this section, a covered platform may consolidate the process for providing information under this section and obtaining verifiable consent from the parent of the child or teen involved, as required under this section, with the obligations of the covered platform to provide relevant notice and obtain verifiable consent under section 3793.41 of the Revised Code.

(4) The kids internet and data safety commission may issue guidance to assist covered platforms in complying with the specific notice requirements of division (A) of this section.

(B) A covered platform that operates a personalized recommendation system shall set out in the covered platform's terms and conditions, in a clear, conspicuous, and easy-to-understand manner, both of the following:

(1) An overview of how each personalized recommendation system is used by the covered platform to provide information to children and teens, including how such systems use the personal information of children and teens;

(2) Information about options for children and teens, or their parents, to opt out of or control the personalized recommendation system.

(C)(1) A covered platform shall provide clear, conspicuous, and easy-to-understand labels and information, which can be provided through a link to another web page or

disclosure, to children and teens on advertisements, regarding both of the following:

(a) The name of the product, service, or brand and the subject matter of an advertisement;

(b) Whether particular media displayed to the child or teen is an advertisement or marketing material, including disclosure of endorsements of products, services, or brands made for commercial consideration by other users of the platform.

(2) The kids internet and data safety commission may issue guidance to assist covered platforms in complying with the requirements of division (C) of this section, including guidance about the minimum level of information and labels for the disclosures.

(D) A covered platform shall provide to children and teens and their parents clear, conspicuous, easy-to-understand, and comprehensive information in a prominent location, which may include a link to a web page, regarding both of the following:

(1) The policies and practices of the covered platform with respect to safeguards for children and teens;

(2) How to access the safeguards and parental tools required under section 3793.21 of the Revised Code.

(E) A covered platform shall ensure, to the extent practicable, that the disclosures required by this section are made available in the same language, form, and manner as the covered platform provides any product or service used by children and teens, and their parents.

Sec. 3793.23. (A) Subject to division (B) of this section, at least once per year, a covered platform shall issue a public

report that addresses the matters described in division (C) of this section and that is based on an independent, third-party audit of the covered platform with a reasonable level of assurance.

(B) The requirements of this section apply to a covered platform only if both of the following apply:

(1) For the most recent calendar year, the covered platform averaged more than three hundred fifty thousand active users on a monthly basis in this state.

(2) The covered platform predominantly provides a community forum for user-generated content and discussion, including sharing videos, images, games, audio files, discussion in a virtual setting, or other content, such as acting as a social media platform, virtual reality environment, or a social network service.

(C)(1) The public reports required of a covered platform under this section shall include all of the following:

(a) An assessment of the extent to which the platform is likely to be accessed by children and teens;

(b) A description of the commercial interests of the covered platform being used by children and teens;

(c) An accounting, based on the data held by the covered platform, of all of the following:

(i) The number of users using the covered platform that the platform knows to be children or teens in this state;

(ii) The median and mean amounts of time spent on the platform by users known to be children or teens in this state who have accessed the covered platform during the reporting year

on a daily, weekly, and monthly basis;

(iii) The amount of content being accessed by users that the platform knows to be children or teens in this state that is in English, and the top five non-English languages used by users accessing the platform in this state;

(iv) An accounting of total reports received through the reporting mechanism described in section 3793.21 of the Revised Code, disaggregated by language, including English and the top five non-English languages used by users accessing the platform from this state;

(v) An assessment of the safeguards and parental tools under section 3793.21 of the Revised Code, representations regarding the use of the personal information of children and teens, and other matters regarding compliance with this chapter.

(2) The public reports required under this section shall include all of the following:

(a) An assessment based on aggregate data on the exercise of safeguards and parental tools described in section 3793.21 of the Revised Code, and other competent and reliable empirical evidence;

(b) A description of whether and how the covered platform uses design features that increase, sustain, or extend the use of a product or service by a child or teen;

(c) A description of whether, how, and for what purpose the covered platform collects or processes categories of personal information, including how personal information is used to operate personalized recommendation systems related to children and teens;

(d) An evaluation of the efficacy of safeguards for children and teens and parental tools under section 3793.21 of the Revised Code, and any issues in delivering such safeguards and parental tools;

(e) An assessment of differences, with respect to the matters described in divisions (C)(2)(a) to (d) of this section, across different English and non-English languages and efficacy of safeguards in those languages.

(3) The public reports required of a covered platform under this section include, for English and the top five non-English languages used by users accessing the covered platform from this state, all of the following:

(a) A description of the safeguards and parental tools available to children, teens, and parents on the covered platform;

(b) A description of the prevention and mitigation measures a covered platform may take, if any, in response to the assessments conducted under division (C)(2) of this section, including steps taken to provide the most protective level of control over safety by default;

(c) A description of the processes used for the creation and implementation of any design feature that will be used by children or teens;

(d) A description and assessment of handling reports under division (C) of section 3793.21 of the Revised Code, including the rate of response, timeliness, and substantiveness of responses;

(e) the status of implementing prevention and mitigation measures identified in prior assessments.

(D) In conducting an inspection of the reasonably foreseeable risk of harm to children or teens under this section, an independent, third-party auditor shall do all of the following:

(1) Take into consideration the function of personalized recommendation systems;

(2) Consult parents and youth experts, including youth and families with relevant past or current experience, public health and mental health nonprofit organizations, health and development organizations, and civil society with respect to the prevention of harms to children or teens;

(3) Conduct research based on experiences of children and teens that use the covered platform, including reports under division (C) of section 3793.21 of the Revised Code and information provided by law enforcement;

(4) Take account of research, including research regarding design features, marketing, or product integrity, industry best practices, or outside research;

(5) Take into consideration indicia or inferences of age of users, in addition to any self-declared information about the age of users;

(6) Take into consideration differences in risk of reasonably foreseeable harms and effectiveness of safeguards across English and non-English languages.

(E) To facilitate the report required by division (C) of this section, a covered platform shall do all of the following:

(1) Provide or otherwise make available to the independent third party conducting the audit all information and material in

the covered platform's possession, custody, or control that is relevant to the audit;

(2) Provide or otherwise make available to the independent third party conducting the audit access to all network, systems, and assets relevant to the audit;

(3) Disclose all relevant facts to the independent third party conducting the audit, and not misrepresent in any manner, expressly or by implication, any relevant fact.

(F)(1) In issuing the public reports required under this section, a covered platform shall take steps to safeguard the privacy of the covered platform's users, including ensuring that data is presented in a de-identified, aggregated format such that the data is not reasonably linkable to any user.

(2) This section shall not be construed to require the disclosure of information that will lead to material vulnerabilities for the privacy of users or the security of a covered platform's service or create a significant risk of the violation of federal or state law.

(G) A covered platform shall publish the public reports required by this section in an easy-to-find location on a publicly available web site.

Sec. 3793.24. (A) A covered platform shall not, in the case of a user or visitor that the covered platform knows is a child, conduct market or product-focused research on such child.

(B) A covered platform shall not, in the case of a user or visitor that the online platform knows is a teen, conduct market or product-focused research on such teen, unless the covered platform obtains verifiable consent from the parent of the teen prior to conducting such research on such teen.

Sec. 3793.25. (A) Nothing in sections 3793.20 to 3793.25 of the Revised Code shall be construed to restrict a covered platform's ability to do the following:

(1) Cooperate with law enforcement agencies regarding activity that the covered platform reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;

(2) Comply with a lawful civil, criminal, or regulatory inquiry, subpoena, or summons by federal, state, local, or other government authorities;

(3) Investigate, establish, exercise, respond to, or defend against legal claims;

(4) Prevent, detect, protect against, or respond to any security incident, identity theft, fraud, harassment, malicious or deceptive activity, or any illegal activities;

(5) Investigate or report those responsible for any action described in division (A) of this section.

(B) A video streaming service shall be deemed to be in compliance with sections 3793.20 to 3793.25 of the Revised Code if the service predominantly consists of news, sports, entertainment, or other video programming content that is preselected by the provider and not user-generated, and all of the following apply:

(1) Any chat, comment, or interactive functionality is provided incidental to, directly related to, or dependent on provision of such content;

(2) If such video streaming service requires account owner registration and is not predominantly news or sports, the

service includes the capability to do all of the following:

(a) Limit a child's or teen's access to the service, which may utilize a system of age-rating;

(b) Limit the automatic playing of on-demand content selected by a personalized recommendation system for an individual that the service knows is a child or teen;

(c) For a parent to manage a child's or teen's privacy and account settings, and restrict purchases and financial transactions by the child or teen, where applicable;

(d) Provide an electronic point of contact specific to matters described in division (B)(2) of this section;

(e) Offer a clear, conspicuous, and easy to-understand notice of its policies and practices with respect to the capabilities described in division (B)(2) of this section;

(f) When providing on-demand content, to employ measures that safeguard against serving advertising for narcotic drugs, cannabis products, tobacco products, gambling, or alcohol directly to the account or profile of an individual that the service knows is a child or teen.

Sec. 3793.30. (A) No person shall operate an online platform with users in this state that uses an opaque algorithm unless the person does all of the following:

(1) Provides users of the online platform with the following notices:

(a) Notice that the online platform uses an opaque algorithm that uses user-specific data to select the content the user sees. Such notice shall be presented in a clear and conspicuous manner on the online platform whenever the user

interacts with an opaque algorithm for the first time and may be a one-time notice that may be dismissed by the user.

(b) Notice, to be included in the terms and conditions of the online platform, in a clear, accessible, and easily comprehensible manner that is to be updated whenever the online platform makes a material change, of all of the following:

(i) The most salient features, inputs, and parameters used by the algorithm;

(ii) How any user-specific data used by the algorithm is collected or inferred about a user of the online platform, and the categories of such data;

(iii) Any options that the online platform makes available for a user of the platform to opt out or exercise options under this section, modify the profile of the user, or to influence the features, inputs, or parameters used by the algorithm;

(iv) Any quantities, such as time spent using a product or specific measures of engagement or social interaction, that the algorithm is designed to optimize, as well as a general description of the relative importance of each quantity for such ranking.

(2) Enable users of the online platform to easily switch between the opaque algorithm and an input-transparent algorithm in the user's use of the platform.

(B) Nothing in this section shall be construed to require an online platform to disclose any information, including data or algorithms, that is any of the following:

(1) Related to a trade secret or other protected intellectual property;

(2) Confidential business information;

(3) Privileged.

(C) An online platform shall not deny, charge different prices or rates for, or condition the provision of a service or product to a user based on the user's election to use an input-transparent algorithm in the use of the platform, as provided under this section.

(D) Notwithstanding division (A) of this section, an online platform shall provide the notice and opt-out described in that division to the educational agency or institution rather than to the user, when the online platform is acting on behalf of an educational agency or institution, subject to a written contract that complies with the requirements of section 3793.43 of the Revised Code.

(E) Nothing in this section shall be construed to limit or prohibit an online platform's ability to, at the direction of an individual user or group of users, restrict another user from searching for, finding, accessing, or interacting with such user's or group's account, content, data, or online community.

Sec. 3793.40. (A) No operator of a web site, online service, online application, or mobile application directed to children, and no operator that knows that a user of the operator's web site, online service, online application, or mobile application is a child or teen, shall do any of the following:

(1) Collect personal information from a child or teen in a manner that violates this chapter;

(2) Except as expressly permitted by this chapter, either of the following:

(a) Collect, use, disclose to third parties, or maintain the personal information of a child or teen for the purposes of delivering individual-specific advertising to children or teens;

(b) Allow another person to collect, use, disclose, or maintain the personal information of a child or teen for the purposes of delivering individual-specific advertising to children or teens.

(3) Collect the personal information of a child or teen, except when the collection of the personal information is either:

(a) Consistent with the context of a particular transaction or service or the relationship of the child or teen with the operator, including collection necessary to fulfill a transaction or provide a product or service requested by the child or teen;

(b) Required or specifically authorized by federal or state law.

(4) Store or transfer the personal information of a child or teen outside of this state unless the operator provides direct notice to a parent of the child, in the case of a child, or the teen, in the case of a teen, that the child's or teen's personal information is being stored or transferred outside of this state;

(5) Retain the personal information of a child or teen for longer than is reasonably necessary to fulfill a transaction or provide a service requested by the child or teen, except as required or specifically authorized by federal or state law;

(6) Use or disclose information collected for the support of the internal operations of a web site, online service, online

application, or mobile application for any other purpose, including:

(a) To contact a specific individual, including through individual-specific advertising to children or teens;

(b) To amass a profile on a specific individual;

(c) In connection with a process that encourages or prompts use of a web site or online service.

(B) Notwithstanding any contrary provision of this section, neither an operator nor the operator's agent shall be held to have violated this chapter for any disclosure in good faith and following reasonable procedures in responding to a request for disclosure of personal information made by the parent of a child or by a teen under section 3793.41 of the Revised Code.

(C) Nothing in this chapter shall be construed to prohibit an operator that knows that a user is a child or teen from delivering advertising or marketing that is age-appropriate and intended for a child or teen audience, so long as the operator does not use any personal information other than whether the user is a child or teen.

Sec. 3793.41. The operator of a web site, online service, online application, or mobile application directed to children or an operator that knows that a user of the operator's web site, online service, online application, or mobile application is a child or teen shall do all of the following:

(A) Provide clear and conspicuous notice on the web site, online service, online application, or mobile application of all of the following:

(1) What personal information the operator collects from children and teens;

(2) How the operator uses such personal information;

(3) The operator's disclosure practices for such personal information;

(4) The purposes for which the operator collects, uses, discloses, and retains such personal information;

(5) The rights and opportunities available to parents, under division (D) of this section, and teens, under division (E) of this section;

(6) The procedures or mechanisms the operator uses to ensure that the operator does not collect personal information from children or teens in any manner that violates this chapter or rules adopted thereunder by the kids internet and data safety commission.

(B) Subject to sections 3793.42 and 3793.43 of the Revised Code, obtain verifiable consent from the following:

(1) For the collection, use, or disclosure of personal information of a child, a parent of the child;

(2) For the collection, use, or disclosure of personal information of a teen, the teen.

(C) Obtain verifiable consent from a child's parent or teen before using or disclosing personal information of the child or teen for any purpose that is materially different from those specified in the most recent notice sent by the operator to the parent or teen in order to obtain verifiable consent under this section;

(D) Provide to a parent whose child has provided personal information to the operator, upon request by and proper identification of that parent, all of the following:

(1) A description of the specific types of personal information the operator collects from the child;

(2) The opportunity, at any time, to do the following:

(a) Delete personal information collected from the child;

(b) Delete content or information submitted by the child to the operator's web site, online service, online application, or mobile application;

(c) Refuse to permit the operator's future collection of personal information from the child;

(d) Refuse to permit the operator's further use and maintenance, in any retrievable form, of personal information previously collected from the child.

(3) The opportunity to challenge the accuracy of the child's personal information and, if the parent establishes the inaccuracy of such personal information, to correct the inaccuracy;

(4) A means that is reasonable under the circumstances for the parent to obtain any personal information collected from the child if such personal information is available to the operator at the time the parent makes the request.

(E) Provide to a teen who has provided personal information to the operator, upon the request by and proper identification of that teen, all of the following:

(1) A description of the specific types of personal

information the operator collects from the teen, the method by which the operator obtains the personal information, and the purposes for which the operator collects, uses, discloses, and retains the personal information;

(2) The opportunity at any time to do the following:

(a) Delete personal information collected from the teen;

(b) Delete content or information submitted by the teen to the operator's web site, online service, online application, or mobile application;

(c) Refuse to permit the operator's further collection of personal information from the teen;

(d) Refuse to permit the operator's further use and maintenance, in any retrievable form, of personal information previously collected from the teen.

(3) The opportunity to challenge the accuracy of the teen's personal information and, if the teen establishes the inaccuracy of such personal information, to correct the inaccuracy;

(4) A means that is reasonable under the circumstances for the teen to obtain any personal information collected from the teen, if such information is available to the operator at the time the teen makes the request.

(F) Refrain from conditioning a child's or teen's participation in a game, the offering of a prize, or any other activity on the child or teen disclosing more personal information than is reasonably necessary to participate in the game, prize, or activity;

(G) Establish, implement, and maintain reasonable security

practices to protect the confidentiality, integrity, and accessibility of personal information of children or teens collected by the operator, and to protect such personal information against unauthorized access.

Sec. 3793.42. An operator is not required to obtain verifiable consent from a teen or the parent of a child, under section 3793.41 of the Revised Code, respecting any of the following:

(A) Online contact information collected from a child or teen that is used only to respond directly on a one-time basis to a specific request from the child or teen; is not used to recontact the child or teen or to contact another child or teen; and is not maintained in retrievable form by the operator;

(B) A request for the name or online contact information of a parent or teen that is used for the sole purpose of obtaining verifiable consent and where, if verifiable consent is not obtained after a reasonable period of time, such information is not maintained in retrievable form by the operator;

(C) Online contact information collected from a child or teen that is used only to respond more than once directly to a specific request from the child or teen, is not used to recontact the child or teen beyond the scope of that request, and to which either of the following apply:

(1) Before any additional response to the child or teen after the operator's initial response, the operator uses reasonable efforts to provide a parent or teen, as applicable, notice of the online contact information collected from the child or teen, the purpose for which it is to be used, and an opportunity for the parent or teen, as applicable, to request

that the operator make no further use of the information. If the parent or teen, as applicable, does not respond to the notice or requests that the operator make no further use of the information, the operator does not maintain the information in any retrievable form.

(2) Without notice to the parent or teen, as applicable, in such circumstances as the kids internet and data safety commission may determine are appropriate, in rules promulgated under section 3793.03 of the Revised Code, taking into consideration the benefits to the child or teen of access to the information or services and the risks to the security and privacy of the child or teen.

(D) The name of the child or teen and online contact information to the extent reasonably necessary to protect the safety of a child or teen participant on the web site, online service, online application, or mobile application if all of the following apply:

(1) The personal information is used only for the purpose of protecting the safety of the child or teen participant.

(2) The personal information is not used to recontact the child or teen for any other purpose.

(3) The personal information is not disclosed on the web site, online service, online application, or mobile application.

(4) The operator makes a reasonable effort to provide a parent or teen, as applicable, notice of the online contact information collected from the child or teen, the purpose for which it is to be used, and an opportunity for the parent or teen, as applicable, to request that the operator make no further use of the information. If the parent or teen, as

applicable, does not respond to the notice or requests that the operator make no further use of the information, the operator does not maintain the information in any retrievable form.

(E) The collection, use, or dissemination of personal information by the operator necessary for any of the following:

(1) To protect the security or integrity of the operator's web site, online service, online application, or mobile application;

(2) To take precautions against liability;

(3) To respond to judicial process;

(4) To the extent permitted under other provisions of law, to provide information to law enforcement agencies, or for an investigation on a matter related to public safety.

Sec. 3793.43. The rules promulgated by the kids internet and data safety commission under section 3793.03 of the Revised Code may provide that verifiable consent is not required for an operator that is acting under a written agreement with an educational agency or institution that, at a minimum, requires all of the following:

(A) The operator to do all of the following:

(1) Limit the operator's collection, use, and disclosure of the personal information from a child or teen to solely educational purposes;

(2) Provide the educational agency or institution with a notice of the specific types of personal information that the operator will collect from the child or teen, the method by which the operator will obtain the personal information, and the purposes for which the operator will collect, use, disclose, and

retain the personal information;

(3) Provide the educational agency or institution with a link to the operator's online notice of information practices;

(4) Provide the educational agency or institution, upon request, with a means to review the personal information collected from a child or teen, to prevent further use or maintenance or future collection of personal information from a child or teen, or content or information submitted by a child or teen, to the operator's web site, online service, online application, or mobile application.

(B) The representative of the educational agency or institution to acknowledge and agree that the representative has the authority to authorize the collection, use, and disclosure of personal information from children or teens on behalf of the educational agency or institution, and, along with such authorization, provide the representative's name and title at the educational agency or institution;

(C) The educational agency or institution to do the following:

(1) Provide on the agency's or institution's web site a notice that identifies the operator with which the educational agency or institution has entered into a written agreement under this section and provide a link to the operator's notice of information practices;

(2) Provide the operator's notice regarding information practices, upon request, to a parent, in the case of a child, or a parent or teen, in the case of a teen;

(3) Upon the request of a parent, in the case of a child, or a parent or teen, in the case of a teen, provide a means to

review the personal information collected from the child or teen and provide a parent, in the case of a child, or a parent or teen, in the case of a teen, a means to review the personal information.

Sec. 3793.44. (A) An operator may terminate service provided to a child whose parent has refused under division (D)(2) of section 3793.41 of the Revised Code, or a teen who has refused under division (E)(2) of that section, to permit the operator's further collection, use, or maintenance of personal information from that child or teen in retrievable form.

(B) No operator shall discontinue service provided to a child or teen on the basis of a request by the parent of the child under division (D)(2) of section 3793.41 of the Revised Code, or by the teen under division (E)(2) of that section, to delete personal information collected from the child or teen, to the extent that the operator is capable of providing the service without such information.

Sec. 3793.45. A request made pursuant to division (D) or (E) of section 3793.41 of the Revised Code to delete or correct personal information of a child or teen shall not be construed to do any of the following:

(A) Limit the authority of a law enforcement agency to obtain any content or information from an operator pursuant to a lawfully executed warrant or an order of a court of competent jurisdiction;

(B) Require an operator or third party to delete or correct information to which either of the following apply:

(1) Any other provision of federal or state law requires the operator or third party to collect or maintain;

(2) Was submitted to the web site, online service, online application, or mobile application of the operator by any person other than the user who is attempting to erase or otherwise eliminate the content or information, including content or information submitted by the user that was republished or resubmitted by another person.

(C) Prohibit the operator from doing any of the following:

(1) Retaining a record of the deletion request and the minimum necessary information for the purposes of ensuring compliance with the request;

(2) Preventing, detecting, protecting against, or responding to security incidents, identity theft, or fraud, or reporting those responsible for such actions;

(3) Protecting the integrity of the operator's web site, online service, online application, or mobile application;

(4) Ensuring that the child's or teen's personal information remains deleted.

Sec. 3793.46. (A) The kids internet and data safety commission may allow operators to use a common verifiable consent mechanism that fully meets the requirements of sections 3793.40 to 3793.47 of the Revised Code.

(B) The assessment of a common verifiable consent mechanism described in division (A) of this section shall consider whether a single operator could use a common verifiable consent mechanism to obtain verifiable consent, as required by section 3793.41 of the Revised Code, from a parent of a child or from a teen on behalf of multiple, listed operators that provide a joint or related service.

(C) If the commission allows the use of a common verifiable consent mechanism, the commission shall promulgate rules to permit the use of said mechanism.

Sec. 3793.47. (A) An operator may satisfy the requirements of sections 3793.40 to 3793.47 of the Revised Code, and any related rules promulgated by the kids internet and data safety commission under section 3793.03 of the Revised Code, by following self-regulatory guidelines issued by representatives of the marketing or online industries and approved by the commission.

(B) The commission shall act upon an approval request for self-regulatory guidelines within one hundred eighty days after the filing of the request, and shall set forth in writing the commission's conclusions with regard to such requests.

Sec. 3793.90. (A) If the kids internet and data safety commission determines that an operator, covered platform, online platform, or other person has failed to comply with this chapter, or any rule adopted by the commission under this chapter, the commission may impose an administrative penalty on the operator, platform, or person.

(B) The amount of the administrative penalty shall be determined as follows:

(1) Up to one thousand dollars for each of the first sixty days the operator, platform, or person fails to comply;

(2) In addition to the administrative penalty allowed by division (B)(1) of this section, up to five thousand dollars for each subsequent day the operator, platform, or person fails to comply, commencing with the sixty-first day and ending with the ninetieth day;

(3) In addition to the administrative penalties allowed by divisions (B)(1) and (2) of this section, up to ten thousand dollars for each subsequent day the operator, platform, or person fails to comply, commencing with the ninety-first day.

(C) The commission shall afford the operator, platform, or person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the commission's determination that the operator, platform, or person is not in compliance with this chapter or a rule adopted thereunder, the commission's imposition of an administrative penalty under this section, or both. The commission's determination and the imposition of the administrative penalty may be appealed in accordance with section 119.12 of the Revised Code.

(D) If an administrative penalty under this section is not paid within ninety days after the date it is imposed by the commission, the commission may file a civil action in the court of common pleas of Franklin county to enforce the penalty.

(E) Any operator, platform, or person that fails to comply with this chapter is liable for any costs incurred by the commission in conducting an investigation and bringing an action under this section.

(F) The rights and remedies that are provided under this section are in addition to any other rights or remedies that are provided by federal or state law.

(G)(1) If an operator, covered platform, online platform, or other person is in substantial compliance with this chapter, or rules adopted by the commission under this chapter, the commission shall provide written notice to the operator, platform, or person before imposing an administrative penalty

under this section. The notice must identify the specific provisions of this chapter that the commission alleges have been violated.

(2) The commission shall not impose an administrative penalty if the operator, platform, or person does both of the following within ninety days after the date such notice is sent:

(a) Cures the violation;

(b) Provides the commission with written documentation that the violation has been cured and that the operator, platform, or person has taken measures sufficient to prevent future violations.

Sec. 3901.07. (A) As used in this section, "insurer" means any person doing or authorized to do any insurance business in this state.

(B)(1) Before issuing any license to do the business of insurance in this state, the superintendent of insurance, or a person appointed by the superintendent, may examine the financial affairs of any insurer.

(2) The superintendent, or any person appointed by the superintendent, may examine, as often as the superintendent or appointee considers it desirable, the affairs of any insurer and of any person as to any matter relevant to the financial affairs of the insurer or to the examination.

(3) The superintendent, or any person appointed by the superintendent, shall examine each domestic insurer at least once every three years as to its condition, fulfillment of its contractual obligations, and compliance with applicable laws, provided that the superintendent or appointee may defer making the examination for a longer period not to exceed five years.

(C) In scheduling and determining the nature, scope, and frequency of any examination authorized or required by division (B) of this section, the superintendent shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants, and any other criteria the superintendent considers appropriate.

(D) The superintendent, in lieu of making any examination authorized or required by division (B) of this section, may accept the report of an examination of a foreign or alien insurer made and certified by the superintendent of insurance or other insurance supervisory official of the state or government of domicile or state of entry. The examination of an alien insurer shall be limited to its United States business except as otherwise required by the superintendent.

(E) Whenever the superintendent determines to examine the affairs of any insurer pursuant to any examination authorized or required by division (B) of this section, the superintendent shall appoint as examiners one or more competent persons not employed by or interested in any insurer except as a policyholder. The superintendent shall instruct the examiners as to the scope of the examination.

Each examiner appointed under this division shall have convenient access at all reasonable hours to the books, records, files, securities, and other documents of the insurer, its managers, agents, or other persons that are relevant to the examination. The examiner may administer oaths and examine any person under oath as to any matter relevant to the affairs of the insurer or the examination.

(F) If the superintendent finds the accounts of an insurer

being examined pursuant to any examination authorized or required by division (B) of this section to be inadequate or improperly kept or posted and if the insurer has been afforded a reasonable opportunity to correct the accounts, the superintendent may employ or require the insurer to employ experts to rewrite, post, or balance the accounts. The employment of experts under this division shall be at the expense of the insurer.

(G) In connection with any examination authorized or required by division (B) of this section, the superintendent may appoint one or more competent persons to appraise the real property of the insurer or any real property on which the insurer holds security.

(H) The examiner in charge of any examination authorized or required by division (B) of this section shall make a true report of the examination, verified under oath, that shall comprise only facts appearing upon the books, records, or other documents of the insurer or its agents or other persons examined, or as ascertained from the sworn testimony of its officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as may be reasonably warranted from those facts. The reports so verified shall be prima-facie evidence in any action or proceeding for the rehabilitation or liquidation of the insurer brought in the name of the state against the insurer or its officers or agents.

(I) The examined insurer, within thirty days after the postmark on the envelope in which the report was mailed, may file with the superintendent written objections to the report. The objections shall be attached to and made a part of the report, which then shall be placed in the files of the

department of insurance as a public record.

(J)(1) The officers, directors, managers, employees, and agents of an insurer shall facilitate in every way any examination authorized or required by division (B) of this section and, to the extent of their authority, aid the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section in conducting the examination.

(2) No officer, director, manager, employee, or agent of an insurer shall do any of the following:

(a) Fail to comply with division (J)(1) of this section;

(b) Refuse, without just cause, to be examined under oath;

(c) Knowingly obstruct or interfere with an examiner or any person appointed or employed pursuant to division (E), (F), or (G) of this section in the exercise of the examiner's, appointee's, or employee's authority under this section.

(3) No insurer shall refuse to submit to an examination authorized or required by division (B) of this section. The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke or refuse to issue or renew the license of any insurer that violates division (J)(3) of this section.

(K) Personnel conducting an examination shall be compensated for each day or portion thereof worked at the rates provided in the examiners' handbook published by the national association of insurance commissioners or the rates applicable to such personnel under section 124.15 of the Revised Code or the schedules created under section 124.152 of the Revised Code, whichever are higher. Such personnel shall also be reimbursed for their travel and living expenses at rates not to exceed the

rates provided in the examiners' handbook published by the association. Personnel who are appointed by the superintendent, but are not employees of the department of insurance, shall be compensated for their work and travel and living expenses at reasonable and customary rates.

(L) If an examination is made of any insurer, the expenses thereof shall be paid by the insurer.

The superintendent shall provide each insurer with an itemized statement of the expenses incurred in the performance of the examination functions authorized or required by this section. Upon receipt of the superintendent's statement, the insurer shall remit the amount thereof to the superintendent who shall remit to the treasurer of state pursuant to section 3901.021 of the Revised Code for deposit in the department of insurance operating fund.

(M) As used in this section, "expenses" means:

(1) The entire compensation for each day or portion thereof worked by all personnel, including those who are not employees of the department of insurance, in:

(a) The conduct of such examination calculated at the rates provided in the examiners' handbook published by the national association of insurance commissioners;

(b) The review and analysis of the annual and any interim financial statements of insurers licensed in this state;

(c) The ongoing evaluation and monitoring of the financial affairs of licensed insurers;

(d) The preparation of the premium or franchise tax liability of licensed insurers;

(e) The review and evaluation of foreign and alien insurers seeking a license in this state;

(f) A portion of the training and continuing education costs of examiners.

(2) Travel and living expenses of all personnel, including those who are not employees of the department, directly engaged in the conduct of such examination calculated at rates not to exceed the rates provided in the examiners' handbook published by the association;

(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;

(4) An allocated share of all expenses not paid as described in division (M)(1), (2), or (3) of this section that are necessarily incurred in carrying out the duties of the superintendent under this section, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section.

Sec. 3901.3815. (A) As used in this section:

(1) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code, except that the term also includes any vendor contracted by a health plan issuer, as defined in that section.

(2) "Health care provider" has the same meaning as in section 3701.74 of the Revised Code.

(3) "Credit card" means a single-use or virtual payment card provided in an electronic, digital, facsimile, physical, or paper format.

(4) "Business day" has the same meaning as in section 3901.81 of the Revised Code.

(B) A health plan issuer shall offer all reasonably available methods of payment to a health care provider, which shall include payment by check and electronic funds transfer.

(C) A health plan issuer shall not mandate payment by credit card.

(D) If one of the available payment methods has an associated fee, the health plan issuer shall, prior to initiating the first payment to a health care provider or upon changing the payment methods available to a health care provider, do both of the following:

(1) Notify the provider that there may be fees associated with a particular payment method and disclose the amount of such fees;

(2) Provide the health care provider with clear instructions as to how to select each payment method either on the health plan issuer's web site or through a means other than the contract offered to the health care provider.

(E)(1) If a health care provider requests a change in the available payment method, the health plan issuer shall implement the change to the payment method selected by the health care provider within thirty business days.

(2) The payment method selected by the health care provider shall remain in effect until the healthcare provider requests a different payment method.

(3) The health plan issuer shall not charge a fee for a change in payment method.

Sec. 3902.70. As used in this section and section 3902.71 of the Revised Code:

(A) "340B covered entity" ~~and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code~~means an entity described in section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 256b(a)(4) and includes any pharmacy under contract with the entity to dispense drugs on behalf of the entity.

(B) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(C) "Third-party administrator" has the same meaning as in section 5167.01 of the Revised Code.

Sec. 3905.72. (A)(1) No person shall act as a managing general agent representing an insurer licensed in this state with respect to risks located in this state unless the person is licensed as a managing general agent pursuant to division (C) or (D) of this section.

(2) No person shall act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state unless the person is licensed as a managing general agent pursuant to division (C) of this section.

(B) Every person that seeks to act as a managing general agent as described in division (A) of this section shall apply to the superintendent of insurance for a license. Except as otherwise provided in division (D) of this section, the application shall be in writing on a form provided by the superintendent ~~and shall be sworn or affirmed before a notary public or other person empowered to administer oaths~~. The

application shall be kept on file by the superintendent and shall include all of the following:

(1) The name and principal business address of the applicant;

(2) If the applicant is an individual, the applicant's current occupation;

(3) If the applicant is an individual, the applicant's occupation or occupations during the five-year period prior to applying for the license to act as a managing general agent;

(4) A copy of the contract between the applicant and the insurer as required by, and in compliance with, section 3905.73 of the Revised Code;

(5) A copy of a certified resolution of the board of directors of the insurer on whose behalf the applicant will act, appointing the applicant as a managing general agent and agent of the insurer, specifying the duties the applicant is expected to perform on behalf of the insurer and the lines of insurance the applicant will manage, and authorizing the insurer to enter into a contract with the applicant as required by section 3905.73 of the Revised Code;

(6) A statement that the applicant submits to the jurisdiction of the superintendent and the courts of this state;

(7) Any other information required by the superintendent.

(C) The superintendent shall issue to a resident of this state or a business entity organized under the laws of this state a license to act as a managing general agent representing an insurer licensed to do business in this state with respect to risks located in this state or a license to act as a managing

general agent representing an insurer organized under the laws of this state with respect to risks located outside this state, and shall renew such a license, if the superintendent is satisfied that all of the following conditions are met:

(1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent.

(2) The applicant understands the duties and obligations of a managing general agent.

(3) The applicant has filed a completed application that complies with division (B) of this section.

(4) The applicant has paid a fee in the amount of twenty dollars.

(5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer.

(6) The applicant maintains an errors and omissions policy of insurance.

(7) The applicant is not, and has never been, under an order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance.

(D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the

request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.

If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.

(E) Unless suspended or revoked by an order of the superintendent pursuant to section 3905.77 of the Revised Code and except as provided in division (F) of this section, any license issued or renewed pursuant to division (C) or (D) of this section shall expire on the last day of February next after its issuance or renewal.

(F) If the appointment of a managing general agent is terminated by the insurer, the license of the managing general agent shall expire on the date of the termination.

(G) A license shall be renewed in accordance with the standard renewal procedure specified in Chapter 4745. of the Revised Code.

(H) All license fees collected pursuant to this section shall be paid into the state treasury to the credit of the department of insurance operating fund.

Sec. 3951.03. (A) Before any certificate of authority shall be issued by the superintendent of insurance there shall be filed in the superintendent's office a written application

therefor. Such application shall be in the form or forms and supplements thereto prescribed by the superintendent and shall set forth:

(1) The name and address of the applicant, and if the applicant be a firm, association, or partnership, the name and address of each member thereof, and if the applicant be a corporation, the name and address of each of its officers and directors;

(2) Whether any license or certificate of authority as agent, broker, or public insurance adjuster has been issued previously by the superintendent of this state or by the insurance department of any state to the individual applicant, and, if the applicant be an individual, whether any such certificate has been issued previously to any firm, association, or partnership of which the individual was or is an officer or director, and, if the applicant be a firm, association, or partnership, whether any such certificate has been issued previously to any member thereof, and, if the applicant be a corporation, whether any such certificate has been issued previously to any officer or director of such corporation;

(3) The business or employment in which the applicant has been engaged for the five years next preceding the date of the application, and the name and address of such business and the name or names and addresses of his employer or employers;

(4) Such information as the superintendent may require of applicants in order to determine their trustworthiness and competency to transact the business of public insurance adjusters, in such manner as to safeguard the interest of the public;

(B) Except as provided in division (C) of this section, the superintendent shall issue a public insurance adjuster agent certificate to a person, who is a bona fide employee of a public insurance adjuster without examination, provided said application is made by a person, partnership, association, or corporation engaged in the public insurance adjusting business. The fee to be paid by the applicant for such a license at the time the application is made, and annually thereafter for the renewal thereof according to the standard renewal procedure of sections 4745.01 to 4745.03, inclusive, of the Revised Code, shall be fifty dollars, and such applicant shall be bonded in the amount of one thousand dollars as provided for in division (D) of section 3951.06 of the Revised Code.

(C) The superintendent shall issue a public insurance adjuster agent certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a public insurance adjuster agent in a state that does not issue that license or certificate.

(D) An application for any certificate of authority shall be signed ~~and verified under oath~~ by the applicant and, if made by a firm, association, partnership, or corporation, by each member or officer and director thereof to be authorized thereby to act as a public insurance adjuster.

Sec. 4111.99. (A) Whoever violates division (A) or (D) of

section 4111.13 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (B) or (C) of section 4111.13 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever violates section 4111.17 of the Revised Code is guilty of a minor misdemeanor.

(D) Whoever violates section 4111.08 of the Revised Code or division (F) of section 4111.14 of the Revised Code shall be fined not more than one hundred dollars per day for the duration of the violation. A fine under this division shall not exceed a total amount of five thousand dollars.

Sec. 4113.31. (A) As used in this section:

(1) "Employer," "mass layoff," and "plant closing" have the same meanings as in the WARN Act and 20 C.F.R. 639.3.

(2) "WARN Act" means the "Worker Adjustment and Retraining Notification (WARN) Act," 29 U.S.C. 2101, et seq.

(B) An employer in this state shall comply with all requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The requirements specified in this section do not establish a different standard than that established by federal statutes and regulations.

(C) In accordance with 29 U.S.C 2101(a)(1)(B), an employer must provide the notice required by 29 U.S.C. 2102(a) if both of the following apply:

(1) The employer employs one hundred or more employees who in the aggregate work at least four thousand hours a week.

(2) The employer lays off fifty or more employees at a single site of employment during any thirty-day period.

(D) An employer is not required to provide the notice described in 29 U.S.C. 2102(a) when a plant closing or mass layoff constitutes a strike or constitutes a lockout as described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d).

(E) In accordance with 29 U.S.C 2102(a)(1), not less than sixty days before the date a plant closing or mass layoff begins, an employer shall provide written notice of the closing or layoff to affected employees' authorized representatives or, if there are no such representatives at the time, to each affected employee.

(1) The employer shall include all of the following in a notice provided to affected employees' authorized representatives:

(a) The location of the facility affected by the plant closing or mass layoff;

(b) A detailed statement explaining the reason for the plant closing or mass layoff and whether it will be permanent or temporary;

(c) The expected date when the plant closing or mass layoff will commence and the anticipated date on which the employees' employment will cease;

(d) The total number of employees affected by the plant closing or mass layoff, including the employees' job titles or positions and any department or division impacted.

(2) The employer shall include all of the following in a notice provided to affected employees' who do not have an

authorized representative at the time the notice is sent:

(a) A detailed statement explaining the reason for the plant closing or mass layoff and whether it will be permanent or temporary;

(b) The expected date when the plant closing or mass layoff will commence and the anticipated date on which the employees' employment will cease;

(c) An indication as to whether an affected employee has bumping rights or other reemployment rights under a collective bargaining agreement or a company policy, including any procedures for exercising those rights;

(d) Information on how affected employees can access unemployment insurance benefits and other assistance programs;

(e) The name, title, and contact information of an employer representative who can answer questions about the plant closing or mass layoff;

(f) Information about any available services for an affected employee, including job placement assistance, retraining programs, or counseling services.

(F) In accordance with 29 U.S.C 2102(a)(2), an employer shall provide written notice of a plant closing or mass layoff to the director of job and family services and to the chief elected official of the municipal corporation and the county where the plant closing or mass layoff is to occur. The written notice shall include the same information required under division (E) of this section and all of the following:

(1) A description of any action taken or planned to mitigate the impact of the plant closing or mass layoff,

including any efforts to secure alternative employment or training for affected employees;

(2) The name of each employee organization representing affected employees, and the name and address of the chief elected officer of each organization;

(3) A copy of the notice provided to affected employees or their representatives, as applicable.

(G) The period within which an employer shall provide notice may be reduced or waived under the circumstances described in 29 U.S.C. 2102(b).

(H) The director of job and family services may issue guidance and procedures for the submission and review of notices by employers.

(I) When an employer fails to comply with the WARN Act, an affected employee may seek the remedies specified in 29 U.S.C. 2104.

Sec. 4115.36. Sections 4115.31 to 4115.35 of the Revised Code have no effect after the director of administrative services abolishes the state committee for the purchase of products and services provided by persons with severe disabilities. Upon abolishment of the committee, ~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code shall govern the procurement of products and services provided by persons with work-limiting disabilities from qualified nonprofit agencies.

Sec. 4141.01. As used in this chapter, unless the context otherwise requires:

(A)(1) "Employer" means ~~the~~ any of the following, provided the individual or entity is subject to this chapter under

section 4141.011 of the Revised Code: any state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person ~~who subsequent to December 31, 1971, or in the case of political subdivisions or their instrumentalities, subsequent to December 31, 1973:~~

~~(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or~~

~~(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or~~

~~(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:~~

~~(i) For the purposes of divisions (A)(1)(a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.~~

~~(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.~~

~~(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and~~

~~(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or~~

~~(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or~~

~~(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and~~

~~(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for~~

~~any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;~~

~~(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or~~

~~(iii) Who became an employer by election under division (A)(4) or (5) of this section and for the duration of such election; or~~

~~(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B)(2)(a) and (B)(2)(l) of this section, at least one individual;~~

~~(g) For the purposes of division (A)(1)(a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week~~.

(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are

employed by a single employer for the purposes of this chapter.

~~(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.~~

~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.~~

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~

~~(6) "Employer" does not include a franchisor with respect~~

~~to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.~~

(B)(1) "Employment" means service performed by an individual for remuneration under any contract of hire, written or oral, express or implied, including service performed in interstate commerce and service performed by an officer of a corporation, without regard to whether such service is executive, managerial, or manual in nature, and without regard to whether such officer is a stockholder or a member of the board of directors of the corporation, unless it is shown to the satisfaction of the director that such individual has been and will continue to be free from direction or control over the performance of such service, both under a contract of service and in fact. The director of job and family services shall adopt rules to define "direction or control."

(2) "Employment" includes:

(a) Service performed after December 31, 1977, by an individual in the employ of the state or any of its instrumentalities, or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions and without regard to ~~divisions~~ division (A)~~(1)(a) and (b)~~ of ~~this~~

section 4141.011 of the Revised Code, provided that such service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c)(7) and is not excluded under division (B)(3) of this section; or the services of employees covered by voluntary election, as provided under divisions ~~(A)(4)~~ (H) and ~~(5)~~ (I) of ~~this~~ section 4141.011 of the Revised Code;

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization which is excluded from the term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c)(8) of that act and is not excluded under division (B)(3) of this section;

(c) Domestic service performed after December 31, 1977, for an employer, as provided in division ~~(A)(1)(c)~~ (C) of ~~this~~ section 4141.011 of the Revised Code;

(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division ~~(A)(1)(d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code;

(e) Subject to division (B)(2)(m) of this section, service not covered under division (B)(1) of this section which is performed after December 31, 1971:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis

in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

(f) An individual's entire service performed within or both within and without the state if:

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(g) Service not covered under division (B)(2)(f)(ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid

under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this state if the service is performed entirely within this state or if the service is performed both within and without this state but the service performed without this state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B)(2)(f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership

or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.

(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division ~~(A)(1)(c)~~ (C) of ~~this~~ section 4141.011 of the Revised Code, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division ~~(A)(1)(c)~~(C) of ~~this~~ section 4141.011 of the Revised Code, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;

(ii) The employer requires particular training for the individual performing services;

(iii) Services performed by the individual are integrated into the regular functioning of the employer;

(iv) The employer requires that services be provided by a particular individual;

(v) The employer hires, supervises, or pays the wages of the individual performing services;

(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;

(vii) The employer requires the individual to perform services during established hours;

(viii) The employer requires that the individual performing services be devoted on a full-time basis to the

business of the employer;

(ix) The employer requires the individual to perform services on the employer's premises;

(x) The employer requires the individual performing services to follow the order of work established by the employer;

(xi) The employer requires the individual performing services to make oral or written reports of progress;

(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;

(xiii) The employer pays expenses for the individual performing services;

(xiv) The employer furnishes the tools and materials for use by the individual to perform services;

(xv) The individual performing services has not invested in the facilities used to perform services;

(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;

(xvii) The individual performing services is not performing services for more than two employers simultaneously;

(xviii) The individual performing services does not make the services available to the general public;

(xix) The employer has a right to discharge the individual performing services;

(xx) The individual performing services has the right to end the individual's relationship with the employer without

incurring liability pursuant to an employment contract or agreement.

(l) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.

(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:

(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services.

(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service.

(iii) The compensation paid to the individual is based on factors related to work performed, including on a mileage-based

rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended.

(iv) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper.

(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee.

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 26 U.S.C. 3306(c)(7) or (8).

(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division ~~(A)(1)(d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code;

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division ~~(A)(1)(c)~~(C) of ~~this~~ section 4141.011 of the Revised Code;

(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:

(i) As a publicly elected official;

(ii) As a member of a legislative body, or a member of the judiciary;

(iii) As a military member of the Ohio national guard;

(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;

(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.

(d) In the employ of any governmental unit or instrumentality of the United States;

(e) Service performed after December 31, 1971:

(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes

at the educational institution or institution of higher education; or

(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to

specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.

(h) Service performed after December 31, 1971:

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter,

or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees does not exceed sixty dollars per calendar quarter is casual labor;

(l) Service performed in the employ of a voluntary employees' beneficial association providing for the payment of life, sickness, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to a membership in such association is limited to individuals who are officers or employees of a municipal or public corporation, of a political subdivision of the state, or of the United States and no part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder or individual;

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative;

(n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by

employees of the United States or of an instrumentality thereof and if the director finds that the secretary of state of the United States has certified to the secretary of the treasury of the United States that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States and of instrumentalities thereof;

(o) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such

instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;

(y) Service performed by a person committed to a penal institution.

(z) Service performed for an Indian tribe as described in division (B)(2)(l) of this section when performed in any of the

following manners:

(i) As a publicly elected official;

(ii) As a member of an Indian tribal council;

(iii) As a member of a legislative or judiciary body;

(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;

(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.

(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.

(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.

(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee

do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B)(4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B)(3)(o) of this section.

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of nine

thousand dollars on and after January 1, 1995; nine thousand five hundred dollars on and after January 1, 2018; and nine thousand dollars on and after January 1, 2020. Remuneration in excess of such amounts shall be deemed wages subject to contribution to the same extent that such remuneration is defined as wages under the "Federal Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The remuneration paid an employee by an employer with respect to employment in another state, upon which contributions were required and paid by such employer under the unemployment compensation act of such other state, shall be included as a part of remuneration in computing the amount specified in this division.

(H)(1) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b)(2) to (b)(20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the

remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of

reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar.

(P) "Weekly benefit amount" means the amount of benefits

an individual would be entitled to receive for one week of total unemployment.

(Q)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish payroll documentation, where available, in support of the affidavit. The determination based upon the alternate base period as it relates to the claimant's benefit rights, shall be amended when the quarterly report of wage information from the employer is timely received and that information causes a change in the determination. As provided in division (B) of section 4141.28 of the Revised Code, any benefits paid and charged to an employer's account, based upon a claimant's affidavit, shall be adjusted effective as of the beginning of the claimant's benefit year. No calendar quarter in a base period or alternate base period shall be used to establish a subsequent benefit year.

(3) The "base period" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the base period prescribed by the law of the state in which the claim is allowed.

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R)(1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has

earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment since the beginning of the individual's previous benefit year to file a valid application, "employment" means the performance of services for which remuneration is payable.

(2) Effective for benefit years beginning on and after December 26, 2004, but before July 1, 2022, any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual satisfies the criteria described in division (R)(1) of this section, and if the reason for the individual's separation from employment is not disqualifying pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code. A disqualification imposed pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code must be removed as provided in those sections as a requirement of establishing a valid application for benefit years beginning on and after December 26, 2004, but before July 1, 2022. Effective for benefit years beginning on and after July 1, 2022, any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual satisfies the criteria described in division (R)(1) of this section. A disqualification imposed pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code does not affect the validity of an application.

(3) The statewide average weekly wage shall be calculated by the director once a year based on the twelve-month period ending the thirtieth day of June, as set forth in division (B)(3) of section 4141.30 of the Revised Code, rounded down to the

nearest dollar. Increases or decreases in the amount of remuneration required to have been earned or paid in order for individuals to have filed valid applications shall become effective on Sunday of the calendar week in which the first day of January occurs that follows the twelve-month period ending the thirtieth day of June upon which the calculation of the statewide average weekly wage was based.

(4) As used in this division, an individual is "unemployed" if, with respect to the calendar week in which such application is filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection

with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half

of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.

(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian

tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division ~~(A)(1)(d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a) (15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;

(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator.

(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if:

(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or

(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and

(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section.

(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB)(2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division

(Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the director of education and workforce, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

(EE) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

Sec. 4141.011. (A)(1) Except as provided in this section, an employer is subject to this chapter if either of the following apply:

(a) The employer had at least one individual in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year,

whether or not the same individual was in employment in each such day;

(b) The employer paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year.

(2) For purposes of division (A)(1)(a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days to beginning the first day of January another week.

(B) If an employer is a nonprofit organization, the employer is subject to this chapter if the employer had at least four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year, whether or not the same individual was in employment in each such day.

(C)(1) An employer is subject to this chapter with respect to employment in domestic service in a local college club, local chapter of a college fraternity or sorority, or a private home if the employer paid cash remuneration for such employment of at least one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year.

(2) Wages paid to, or employment of, an individual performing domestic service as described in division (C)(1) of this section do not apply to employment or wages for purposes of divisions (A) and (B) of this section.

(3) An employer subject to this chapter under division (C)(1) of this section is not subject to this chapter with respect to wages paid for any services other than domestic service

unless the employer is also found to be subject to this chapter under division (A), (B), or (D) of this section.

(D) If an employer is a farm operator or a crew leader, the employer is subject to this chapter if the employer had individuals in employment in agricultural labor and either of the following apply:

(1) The employer paid cash remuneration of twenty thousand dollars or more for the agricultural labor during any calendar quarter in the current calendar year or the preceding calendar year;

(2) The employer had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day.

(E) An employer who is not subject to this chapter under division (A) of this section is subject to this chapter if any of the following apply:

(1) Service, except for domestic service in a private home not covered under division (C) of this section, is or was performed within either the current or preceding calendar year, and with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(2) As a condition for approval of this chapter for full

tax credit against the tax imposed by the "Federal Unemployment Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such act to be an employer subject to this chapter;

(3) The employer became subject to this chapter by election under division (H) or (I) of this section and for the duration of such election.

(F) If an employer is any state, its instrumentalities, its political subdivisions, their instrumentalities, or an Indian tribe, the employer is subject to this chapter if the employer had at least one individual in employment, as defined in divisions (B)(2)(a) and (B)(2)(l) of section 4141.01 of the Revised Code.

(G) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.

(H) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.

(I) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the

employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.

(J) An employer who is a franchisor is not subject to this chapter with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

Sec. 4141.02. A nonprofit organization ~~that does not meet the definition of employer for purposes of~~ that is not subject to this chapter pursuant to division ~~(A)(1)(a)~~(B) of section ~~4141.01~~ 4141.011 of the Revised Code, and that does not elect to become an employer subject to this chapter pursuant to division ~~(A)(4)~~(H) of section ~~4141.01~~ 4141.011 of the Revised Code, shall notify the organization's employees upon hiring that the organization, and the employee's employment with the organization, are exempt from this chapter.

Sec. 4141.11. There is hereby created in the state treasury the unemployment compensation special administrative fund. The fund shall consist of all interest collected on delinquent contributions pursuant to this chapter, all fines and forfeitures collected under this chapter, all money received from the sale of real property under section 4141.131 of the Revised Code, the amount required under division (A)(4) of section 4141.35 of the Revised Code, ~~and~~ all court costs and interest paid or collected in connection with the repayment of fraudulently obtained benefits pursuant to section 4141.35 of the Revised Code, and all fees collected pursuant to section 4141.44 of the Revised Code. All interest earned on the money in the fund shall be retained in the fund and shall not be credited or transferred to any other fund or account, except as provided in division (B) of this section. All moneys which are deposited or paid into this fund may be used by:

(A) The director of job and family services whenever it appears that such use is necessary for:

(1) The proper administration of this chapter and no federal funds are available for the specific purpose for which the expenditure is to be made, provided the moneys are not substituted for appropriations from federal funds, which in the absence of such moneys would be available;

(2) The proper administration of this chapter for which purpose appropriations from federal funds have been requested and approved but not received, provided the fund would be reimbursed upon receipt of the federal appropriation;

(3) To the extent possible, the repayment to the unemployment compensation administration fund of moneys found by the proper agency of the United States to have been lost or

expended for purposes other than, or an amount in excess of, those found necessary by the proper agency of the United States for the administration of this chapter.

(B) The director or the director's deputy whenever it appears that such use is necessary for the payment of refunds or adjustments of interest, fines, forfeitures, or court costs erroneously collected and paid into this fund pursuant to this chapter.

(C) The director, to pay state disaster unemployment benefits pursuant to section 4141.292 of the Revised Code.

(D) The director, to pay any costs attributable to the director that are associated with the sale of real property under section 4141.131 of the Revised Code.

Whenever the balance in the unemployment compensation special administrative fund is considered to be excessive by the director, the director shall request the director of budget and management to transfer to the unemployment compensation fund the amount considered to be excessive. Any balance in the unemployment compensation special administrative fund shall not lapse at any time, but shall be continuously available to the director of job and family services for expenditures consistent with this chapter.

Sec. 4141.162. (A) The director of job and family services shall establish an income and eligibility verification system that complies with section 1137 of the "Social Security Act." The programs included in the system are all of the following:

(1) Unemployment compensation pursuant to section 3304 of the "Internal Revenue Code of 1954";

(2) The state programs funded in part under part A of

Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. of the Revised Code;

(3) The medicaid program;

(4) The supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

(B) Wage information provided by employers to the director shall be furnished to the income and eligibility verification system. Such information shall be used by the director to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A)(2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.

(C) The director shall, on request, disclose wage and claim information to any state or local agency administering a program identified in division (A) of this section that has entered into a written data sharing agreement with the director that meets the standards specified in federal law, including the requirements in 20 C.F.R. 603.10.

~~The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.~~

(D) Information furnished under the system shall also be made available to the appropriate state or local child support enforcement agency for the purposes of an approved plan under Title IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the

"Social Security Act."

~~(B) The director shall adopt rules as necessary under which the department of job and family services and other state agencies that the director determines must participate in order to ensure compliance with section 1137 of the "Social Security Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to all of the following:~~

~~(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;~~

~~(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;~~

~~(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;~~

~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the~~

~~programs enumerated in division (A) of this section;~~

~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~

~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~

~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~

~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~

~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.~~

~~(F) The director of job and family services shall consult with the medicaid director and the director of administrative~~

~~services regarding the implementation of this section.~~

Sec. 4141.23. (A) Contributions shall accrue and become payable by each employer for each calendar year or other period as prescribed by this chapter. Such contributions become due and shall be paid by each employer to the director of job and family services for the unemployment compensation fund in accordance with such regulations as the director prescribes, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employer's employ.

In the payment of any contributions, a fractional part of a dollar may be disregarded unless it amounts to fifty cents or more, in which case it may be increased to the next higher dollar.

(B)(1) ~~Any contribution or payment in lieu of contribution, due from an employer on or before December 31, 1992, shall, if not paid when due, bear interest at the rate of ten per cent per annum. In such computation any fraction of a month shall be considered as a full month.~~

~~(2)~~ Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or ~~after January 1, 1993~~before December 31, 2025, shall, if not paid when due, bear interest at the annual rate of fourteen per cent compounded monthly on the aggregate receivable balance due. In such computation any fraction of a month shall be considered as a full month.

(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 2026, shall, if not paid when due, bear interest at the interest rate established by the state tax commissioner

pursuant to section 5703.47 of the Revised Code, not exceeding fifteen per cent. In such computation any fraction of a month shall be considered as a full month.

(C) The director may waive the interest assessed under division ~~(B)(2)~~ (B) of this section if the employer meets all of the following conditions within thirty days after the date the director mails or delivers the notice of assessment of interest:

(1) Provides to the director a written request for a waiver of interest clearly demonstrating that the employer's failure to timely pay contributions, payments in lieu of contributions, interest, forfeiture, and fines was a result of circumstances beyond the control of the employer or the employer's agent, except that negligence on the part of the employer or the employer's agent shall not be considered beyond the control of the employer or the employer's agent;

(2) Furnishes to the director all quarterly reports required under section 4141.20 of the Revised Code;

(3) Pays in full all contributions, payments in lieu of contributions, interest, forfeiture, and fines for each quarter for which such payments are due.

The director shall deny an employer's request for a waiver of interest after finding that the employer's failure to timely furnish reports or make payments as required under this chapter was due to an attempt to evade payment.

(D) Any contribution, interest, forfeiture, or fine required to be paid under this chapter by any employer shall, if not paid when due, become a lien upon the real and personal property of such employer. Upon failure of such employer to pay the contributions, interest, forfeiture, or fine required to be

paid under this chapter, the director shall file notice of such lien, for which there shall be no charge, in the office of the county recorder of the county in which it is ascertained that such employer owns real estate or personal property. The director shall notify the employer by mail of the lien. The absence of proof that the notice was sent does not affect the validity of the lien. Such lien shall not be valid as against the claim of any mortgagee, pledgee, purchaser, judgment creditor, or other lienholder of record at the time such notice is filed.

If the employer acquires real or personal property after notice of lien is filed, such lien shall not be valid as against the claim of any mortgagee, pledgee, subsequent bona fide purchaser for value, judgment creditor, or other lienholder of record to such after-acquired property, unless the notice of lien is refiled after such property was acquired by the employer and before the competing lien attached to such after-acquired property or before the conveyance to such subsequent bona fide purchaser for value.

Such a notice shall be recorded in the county recorder's official records and indexed in the direct and reverse indexes under the name of the employer. When such unpaid contributions, interest, forfeiture, or fines have been paid, the employer may record with the county recorder of the county in which such notice of lien has been filed and recorded, notice of such payment, and the notice of payment shall be recorded in the county recorder's official records and indexed in the direct and reverse indexes. For recording the notice of payment, the county recorder shall charge and receive from the employer a base fee of two dollars for services and a housing trust fund fee of two dollars pursuant to section 317.36 of the Revised Code.

(E) Notwithstanding other provisions in this section, the director may reduce, in whole or in part, the amount of interest, forfeiture, or fines required to be paid under this chapter if the director determines that the reduction is in the best interest of the unemployment compensation fund.

(F) Assessment of contributions shall not be made after four years from the date on which such contributions became payable, and no action in court for the collection of contributions without assessment of such contributions shall be begun after the expiration of five years from the date such contributions became payable. In case of a false or fraudulent report or of a willful attempt in any manner to evade contributions, such contributions may be assessed or a proceeding in court for the collection of such contributions may be begun without assessment at any time. When the assessment of contributions has been made within such four-year period provided, action in court to collect such contributions may be begun within, but not later than, six years after such assessment.

(G) In the event of a distribution of an employer's assets, pursuant to an order of any court under the law of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, or similar proceedings, contributions, interest, forfeiture, or fine then or thereafter due have the same priority as provided by law for the payment of taxes due the state and shall be paid out of the trust fund in the same manner as provided for other claims for unpaid taxes due the state.

(H) If the attorney general finds after investigation that any claim for delinquent contributions, interest, forfeitures,

or fines owing to the director is uncollectible, in whole or in part, the attorney general shall recommend to the director the cancellation of such claim or any part thereof. The director may thereupon effect such cancellation.

Sec. 4141.28. BENEFITS

(A) FILINGS

Applications for determination of benefit rights and claims for benefits shall be filed with the director of job and family services. Such applications and claims also may be filed with an employee of another state or federal agency charged with the duty of accepting applications and claims for unemployment benefits or with an employee of the unemployment insurance commission of Canada.

When an unemployed individual files an application for determination of benefit rights, the director shall furnish the individual with an explanation of the individual's appeal rights. The explanation shall describe clearly the different levels of appeal and explain where and when each appeal must be filed.

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS

In filing an application, an individual shall furnish the director with the name and address of the individual's most recent separating employer and the individual's statement of the reason for separation from the employer. The director shall promptly notify the individual's most recent separating employer of the filing and request the reason for the individual's unemployment, unless that notice is not necessary under conditions the director establishes by rule. The director may request from the individual or any employer information

necessary for the determination of the individual's right to benefits. The employer shall provide the information requested within ten ~~working~~ calendar days after the request is sent. If an employer fails to provide requested information within ten ~~working~~ calendar days, the director shall provide to the tax commissioner the individual's and employer's names, addresses, taxpayer identification numbers if available, and any additional information required by the tax commissioner. The tax commissioner shall confirm to the director whether the individual was included on the most recent annual return filed by the employer pursuant to division (F) of section 5747.07 of the Revised Code. The tax commissioner shall inform the director if the tax commissioner is unable to provide the requested confirmation. If necessary to ensure prompt determination and payment of benefits, the director shall base the determination on the information that is available.

An individual filing an application for determination of benefit rights shall disclose, at the time of filing, whether or not the individual owes child support obligations.

An individual filing an application for determination of benefit rights shall furnish proof of identity at the time of filing in the manner prescribed by the director.

(C) MASS LAYOFFS

An employer who lays off or separates within any seven-day period fifty or more individuals because of lack of work shall furnish notice to the director of the dates of layoff or separation and the approximate number of individuals being laid off or separated. The notice shall be furnished at least three working days prior to the date of the first day of such layoff or separation. In addition, at the time of the layoff or

separation the employer shall furnish to the individual and to the director information necessary to determine the individual's eligibility for unemployment compensation.

(D) DETERMINATION OF BENEFIT RIGHTS

The director shall promptly examine any application for determination of benefit rights. On the basis of the information available to the director under this chapter, the director shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The director shall promptly notify the applicant, employers in the applicant's base period, and any other interested parties of the determination and the reasons for it. In addition, the determination issued to the claimant shall include the total amount of benefits payable. The determination issued to each chargeable base period employer shall include the total amount of benefits that may be charged to the employer's account.

(E) CLAIM FOR BENEFITS

The director shall examine the first claim and any additional claim for benefits. On the basis of the information available, the director shall determine whether the claimant's most recent separation and, to the extent necessary, prior separations from work, allow the claimant to qualify for benefits. Written notice of the determination granting or denying benefits shall be sent to the claimant, the most recent separating employer, and any other employer involved in the determination, except that written notice is not required to be sent to the claimant if the reason for separation is lack of work and the claim is allowed.

If the director identifies an eligibility issue, the director shall immediately send notice to the claimant of the issue identified, specify the week or weeks involved, and identify what the claimant must do to address the issue or who the claimant may contact for more information. The claimant has a minimum of five business days after the notice is sent to respond to the information included in the notice, and after the time allowed as determined by the director, the director shall make a determination. The claimant's response may include a request for a fact-finding interview when the eligibility issue is raised by an informant or source other than the claimant, or when the eligibility issue, if determined adversely, disqualifies the claimant for the duration of the claimant's period of unemployment.

When the determination of a continued claim for benefits results in a disallowed claim, the director shall notify the claimant of the disallowance and the reasons for it.

(F) ELIGIBILITY NOTICE

Any base period or subsequent employer of a claimant who has knowledge of specific facts affecting the claimant's right to receive benefits for any week may notify the director in writing of those facts. The director shall prescribe a form for such eligibility notice, but failure to use the form shall not preclude the director's examination of any notice.

To be considered valid, an eligibility notice must: contain in writing, a statement that identifies either a source who has firsthand knowledge of the information or an informant who can identify the source; provide specific and detailed information that may potentially disqualify the claimant; provide the name and address of the source or the informant; and

appear to the director to be reliable and credible.

An eligibility notice is timely filed if received or postmarked prior to or within forty-five calendar days after the end of the week with respect to which a claim for benefits is filed by the claimant. An employer who timely files a valid eligibility notice shall be an interested party to the claim for benefits which is the subject of the notice.

The director shall consider the information contained in the eligibility notice, together with other available information. After giving the claimant notice and an opportunity to respond, the director shall make a determination and inform the notifying employer, the claimant, and other interested parties of the determination.

(G) CORRECTED DETERMINATION

If the director finds within the two hundred eight calendar weeks beginning with the Sunday of the week during which an application for benefit rights was filed that a determination made by the director was erroneous due to an error in an employer's report or any typographical or clerical error in the director's determination, or as shown by correct remuneration information received by the director, the director shall issue a corrected determination to all interested parties. The corrected determination shall take precedence over and void the prior determination of the director. The director shall not issue a corrected determination when the commission or a court has jurisdiction with respect to that determination.

(H) EFFECT OF COMMISSION DECISIONS

In making determinations, the director shall follow decisions of the unemployment compensation review commission

which have become final with respect to claimants similarly situated.

(I) PROMPT PAYMENTS

If benefits are allowed by the director, a hearing officer, the commission, or a court, the director shall pay benefits promptly, notwithstanding any further appeal, provided that if benefits are denied on appeal, of which the parties have notice and an opportunity to be heard, the director shall withhold payment of benefits pending a decision on any further appeal.

Sec. 4141.281. APPEALS

(A) APPEAL FILED

Any party notified of a determination of benefit rights or a claim for benefits determination may appeal within twenty-one calendar days after the written determination was sent to the party or within an extended period as provided under division (D)(9) of this section.

(B) REDETERMINATION

Within twenty-one days after receipt of the appeal, the director of job and family services shall issue a redetermination or transfer the appeal to the unemployment compensation review commission. A redetermination under this section is appealable in the same manner as an initial determination by the director.

(C) REVIEW COMMISSION

(1) JURISDICTION

The commission shall provide an opportunity for a fair

hearing to the interested parties of appeals over which the commission has jurisdiction. The commission has jurisdiction over an appeal on transfer or on direct appeal to the commission. If the commission concludes that a pending appeal does not warrant a hearing, the commission may remand the appeal to the director for redetermination. The commission retains jurisdiction until the appeal is remanded to the director or a final decision is issued and appealed to court, or the time to request a review or to appeal a decision of a hearing officer or the commission is expired.

(2) CONDUCT OF HEARINGS

Hearings before the commission are held at the hearing officer level and the review level. Unless otherwise provided in this chapter, initial hearings involving claims for compensation and other unemployment compensation issues are conducted at the hearing officer level by hearing officers appointed by the commission. Hearings at the review level are conducted by hearing officers appointed by the commission, by members of the commission acting either individually or collectively, and by members of the commission and hearing officers acting jointly. In all hearings conducted at the review level, the commission shall designate the hearing officer or officers who are to conduct the hearing. When the term "hearing officer" is used in reference to hearings conducted at the review level, the term includes members of the commission. All decisions issued at the review level are issued by the commission.

Provisions contained in the remainder of this paragraph apply to hearings at both the hearing officer level and the review level. The principles of due process in administrative hearings shall be applied to all hearings conducted under the

authority of the commission. In conducting hearings, all hearing officers shall control the conduct of the hearing, exclude irrelevant or cumulative evidence, and give weight to the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of serious affairs. Hearing officers have an affirmative duty to question parties and witnesses in order to ascertain the relevant facts and to fully and fairly develop the record. Hearing officers are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure. No person shall impose upon the claimant or the employer any burden of proof as is required in a court of law. The proceedings at hearings shall be recorded by mechanical means or otherwise as may be prescribed by the commission. In the absence of further proceedings, the record need not be transcribed. After considering all of the evidence, a hearing officer shall issue a written decision that sets forth the facts as the hearing officer finds them to be, cites the applicable law, and gives the reasoning for the decision.

(3) HEARING OFFICER LEVEL

When an appeal is transferred to the commission by the director, the commission shall notify all interested parties of the time and place of the hearing and assign the appeal for a hearing by a hearing officer. The hearings shall be de novo, except that the director's file pertaining to a case shall be included in the record to be considered.

Following a hearing, the hearing officer shall affirm, modify, or reverse the determination of the director in the manner that appears just and proper. The hearing officer's written decision shall be sent to all interested parties. The decision shall state the right of an interested party to request

a review by the commission.

A request for review shall be filed within twenty-one days after the decision was sent to the party, or within an extended period as provided under division (D)(9) of this section. The hearing officer's decision shall become final unless a request for review is filed and allowed or the commission removes the appeal to itself within twenty-one days after the hearing officer's decision is sent.

(4) REVIEW LEVEL

At the review level, the commission may affirm, modify, or reverse previous determinations by the director or at the hearing officer level. At the review level, the commission may affirm, modify, or reverse a hearing officer's decision or remand the decision to the hearing officer level for further hearing. The commission shall consider an appeal at the review level under the following circumstances: when an appeal is required to be heard initially at the review level under this chapter; when the commission on its own motion removes an appeal to itself within twenty-one days after the hearing officer's decision is sent; when the assigned hearing officer refers an appeal to the commission before the hearing officer's decision is sent; or when an interested party files a request for review with the commission within twenty-one days after the hearing officer's decision is sent.

(5) COMMISSION EXAMINATION

The commission shall consider a request for review by an interested party, including the reasons for the request. The commission may adopt rules prescribing the methods for requesting a review. The commission may allow or disallow the

request for review. The disallowance of a request for review constitutes a final decision by the commission.

(6) REVIEW PROCEDURE

If the commission allows a request for review, the commission shall notify all interested parties of that fact and provide a reasonable period of time, as the commission defines by rule, in which interested parties may file a response. After that period of time, the commission, based on the record before it, may do one of the following: affirm the decision of the hearing officer; provide for the appeal to be heard or reheard at the hearing officer or review level; provide for the appeal to be heard at the review level as a potential precedential decision; or provide for the decision to be rewritten without further hearing at the review level. When a further hearing is provided or the decision is rewritten, the commission may affirm, modify, or reverse the previous decision.

If a member of the commission is unable or unavailable to consider an appeal allowed by the commission, the other members of the commission may appoint a hearing officer as a temporary commissioner to fulfill the unable or unavailable commissioner's duties with respect to the appeal. The members of the commission may not appoint the hearing officer who decided the appeal at the hearing officer level.

(7) NOTICES

The commission shall send written notice to all interested parties when it orders an appeal to be heard or reheard. The notice shall include the reasons for the hearing or rehearing.

(8) PRECEDENTIAL

An appeal the commission identifies as potentially

precedential shall be heard at the review level. In the notice for that type of hearing, the commission shall notify the director, all interested parties, and any other parties, as the commission determines appropriate, that the appeal is designated as potentially precedential. After the hearing, parties shall be given the opportunity to submit briefs on the issue or issues involved. The commission may designate a decision as precedential after issuing the decision or at any point in the appeal process, even if the commission does not initially identify the appeal as potentially precedential.

(9) MASS APPEALS

When the commission determines that it has five appeals pending that have common facts or common issues, the commission may transfer the appeals to the review level on its own motion to be heard as a mass appeal, including appeals from claimants separated due to a labor dispute, on the condition that there are fewer than twenty-five claimants involved.

To facilitate a mass hearing, the commission may allow an authorized agent to accept notice of hearing on behalf of claimants. An authorized agent may waive this notice of hearing and also the sending of decisions to individual claimants represented by the agent.

(D) SPECIAL PROVISIONS

(1) TIMELINESS OF APPEALS

The date of the mailing provided by the director or the commission is sufficient evidence upon which to conclude that a determination, redetermination, or decision was sent to the party on that date. Appeals may be filed with the director, commission, with an employee of another state or federal agency

charged with the duty of accepting claims, or with the unemployment insurance commission of Canada. Any timely written notice by an interested party indicating a desire to appeal shall be accepted.

The director, commission, or authorized agent must receive the appeal within the specified appeal period in order for the appeal to be deemed timely filed, except that: if the United States postal service is used as the means of delivery, the enclosing envelope must have a postmark date or postal meter postmark that is on or before the last day of the specified appeal period; and where the postmark is illegible or missing, the appeal is timely filed if received not later than the end of the fifth calendar day following the last day of the specified appeal period.

The director and the commission may adopt rules pertaining to alternate methods of filing appeals under this section.

(2) WAIVER

Interested parties may waive, in writing, a hearing at either the hearing officer or review level. If the parties waive a hearing, the hearing officer shall issue a decision based on the evidence of record.

(3) TELEPHONE HEARINGS

Hearing officers may conduct hearings at either the hearing officer or review level in person or by telephone or interactive video conference. The commission shall adopt rules that designate the circumstances under which hearing officers may conduct a hearing by telephone or interactive video conference or grant a party to the hearing the opportunity to object to a hearing by telephone or interactive video

conference. An interested party whose hearing would be by telephone or interactive video conference may elect to have an in-person hearing, provided that the party agrees to have the hearing at the time and place the commission determines pursuant to rule.

(4) EVENING HEARINGS

Unless the commission grants a request for an evening telephone or interactive video conference hearing, hearing officers shall conduct hearings at the hearing officer and review level during normal business hours. An interested party who is regularly employed throughout those hours may request to have a hearing by telephone or interactive video conference during the evening. The commission shall grant or deny a request for an evening telephone or interactive video conference hearing. If a conflict concerning a request for an evening hearing and an in-person hearing arises, the commission shall schedule the hearing by telephone or interactive video conference during evening hours.

(5) NO APPEARANCE -- APPELLANT

For hearings at either the hearing officer or review level, if the appealing party fails to appear at the hearing, the hearing officer shall dismiss the appeal. The commission shall vacate the dismissal upon a showing that written notice of the hearing was not sent to that party's last known address, or good cause for the appellant's failure to appear is shown to the commission within fourteen days after the hearing date.

If the commission finds that the appealing party's reason for failing to appear does not constitute good cause for failing to appear, the commission shall send written notice of that

finding, and the appealing party may request a hearing to present testimony on the issue of good cause for failing to appear. The appealing party shall file a request for a hearing on the issue of good cause for failing to appear within ten days after the commission sends written notice indicating a finding of no good cause for failing to appear.

(6) NO APPEARANCE -- APPELLEE

For hearings at either the hearing officer or review level, if the appellee fails to appear at the hearing, the hearing officer shall proceed with the hearing and shall issue a decision based on the evidence of record. The commission shall vacate the decision upon a showing that written notice of the hearing was not sent to the appellee's last known address, or good cause for the appellee's failure to appear is shown to the commission within fourteen days after the hearing date.

(7) AGENT

Any appeal or request for review may be executed on behalf of any party or any group of claimants by an agent.

(8) COLLATERAL ESTOPPEL

No finding of fact or law, decision, or order of the director, hearing officer, the commission, or a reviewing court under this section or section 4141.28 of the Revised Code shall be given collateral estoppel or res judicata effect in any separate or subsequent judicial, administrative, or arbitration proceeding, other than a proceeding arising under this chapter.

(9) EXTENSION OF APPEAL PERIODS

The time for filing an appeal or a request for review under this section or a court appeal under section 4141.282 of

the Revised Code shall be extended in the manner described in the following four sentences. When the last day of an appeal period is a Saturday, Sunday, or legal holiday, the appeal period is extended to the next work day after the Saturday, Sunday, or legal holiday. When an interested party provides certified medical evidence stating that the interested party's physical condition or mental capacity prevented the interested party from filing an appeal or request for review under this section within the appropriate twenty-one-day period, the appeal period is extended to twenty-one days after the end of the physical or mental condition, and the appeal or request for review is considered timely filed if filed within that extended period. When an interested party provides evidence, which evidence may consist of testimony from the interested party, that is sufficient to establish that the party did not actually receive the determination or decision within the applicable appeal period under this section, and the director or the commission finds that the interested party did not actually receive the determination or decision within the applicable appeal period, then the appeal period is extended to twenty-one days after the interested party actually receives the determination or decision. When an interested party provides evidence, which evidence may consist of testimony from the interested party, that is sufficient to establish that the party did not actually receive a decision within the thirty-day appeal period provided in section 4141.282 of the Revised Code, and a court of common pleas finds that the interested party did not actually receive the decision within that thirty-day appeal period, then the appeal period is extended to thirty days after the interested party actually receives the decision.

Sec. 4141.29. Each eligible individual shall receive

benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

(A) No individual is entitled to a waiting period or benefits for any week unless the individual:

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;

(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;

(3)(a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.

(b) For purposes of division (A)(3) of this section, an individual has "registered" upon doing any of the following:

(i) Filing an application for benefit rights;

(ii) Making a weekly claim for benefits;

(iii) Reopening an existing claim following a period of employment or nonreporting.

(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A)(3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.

(d) The director may, for good cause, extend the period of registration.

(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.

(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.

(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff.

(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the employer's plant for a purpose other than inventory or vacation that will cause unemployment for a definite period not exceeding

twenty-six weeks beginning on the date the employer notifies the director, for the period of the specific shutdown, if all of the following apply:

(I) The employer and the individuals affected by the layoff who are claiming benefits under this chapter jointly request the exemption.

(II) The employer provides that the affected individuals shall return to work for the employer within twenty-six weeks after the date the employer notifies the director.

(III) The director determines that the waiver of the active search for work requirement will promote productivity and economic stability within the state.

(iv) Division (A)(4)(a)(iii) of this section does not exempt an individual from meeting the other requirements specified in division (A)(4)(a)(i) of this section to be able to work and otherwise fully be available for work. An exemption granted under division (A)(4)(a)(iii) of this section may be granted only with respect to a specific plant closing.

(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after October 11, 2013, the individual shall register with the OhioMeansJobs web site, except in any of the following circumstances:

(I) The individual is an individual described in division (A)(4)(b)(iii) of this section;

(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section;

(III) Where the active search for work requirement is

considered to be met under division (A)(4)(c), (d), or (e) of this section.

(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with the OhioMeansJobs web site if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

(iv) As used in division (A)(4)(b) of this section:

(I) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume.

(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division (B) of section 5709.61 of the Revised Code, is paying all or

part of the cost of the individual's participation in the training program with the intention of hiring the individual for employment as a new employee, as defined in division (L) of section 5709.61 of the Revised Code, for at least ninety days after the individual's completion of the training program.

(d) An individual who becomes unemployed while attending a regularly established school and whose base period qualifying weeks were earned in whole or in part while attending that school, meets the availability and active search for work requirements of division (A)(4)(a) of this section if the individual regularly attends the school during weeks with respect to which the individual claims unemployment benefits and makes self available on any shift of hours for suitable employment with the individual's most recent employer or any other employer in the individual's base period, or for any other suitable employment to which the individual is directed, under this chapter.

(e) An individual who is a member in good standing with a labor organization that refers individuals to jobs meets the active search for work requirement specified in division (A)(4)(a) of this section if the individual provides documentation that the individual is eligible for a referral or placement upon request and in a manner prescribed by the director.

(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application

to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

For the purposes of division (A)(4)(f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act.

(5) Is unable to obtain suitable work. ~~An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments.~~

(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than extended compensation, and needs reemployment services pursuant to the profiling system established by the director under division (K) of this section, unless the director determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services.

Ineligibility for failure to participate in reemployment services as described in division (A)(6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:

(i) The individual has completed similar services.

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local OhioMeansJobs center, as defined in section 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local OhioMeansJobs center for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A)(4)(a) of this section or is

considered to be satisfied under division (A)(4)(c), (d), or (e) of this section is exempt from the requirements of division (A)(7) of this section.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.

(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director.

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(1) For any week with respect to which the director finds that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or operated by the employer by which the individual is or was last employed; and for so long as the individual's unemployment is

due to such labor dispute. No individual shall be disqualified under this provision if either of the following applies:

(i) The individual's employment was with such employer at any factory, establishment, or premises located in this state, owned or operated by such employer, other than the factory, establishment, or premises at which the labor dispute exists, if it is shown that the individual is not financing, participating in, or directly interested in such labor dispute;

(ii) The individual's employment was with an employer not involved in the labor dispute but whose place of business was located within the same premises as the employer engaged in the dispute, unless the individual's employer is a wholly owned subsidiary of the employer engaged in the dispute, or unless the individual actively participates in or voluntarily stops work because of such dispute. If it is established that the claimant was laid off for an indefinite period and not recalled to work prior to the dispute, or was separated by the employer prior to the dispute for reasons other than the labor dispute, or that the individual obtained a bona fide job with another employer while the dispute was still in progress, such labor dispute shall not render the employee ineligible for benefits.

(b) The individual has been given a disciplinary layoff for misconduct in connection with the individual's work.

(2) For the duration of the individual's unemployment if the director finds that:

(a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work, provided division (D)(2) of this section does not apply to the separation of a person under any of the

following circumstances:

(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:

(I) Thirty days after separation;

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall

instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the individual quits to accept other employment, the provisions of division (D)(2)(a)(iii) of this section apply and no disqualification shall be imposed under division (D) of this section. However, if the individual fails to meet the employment and earnings requirements of division (A)(2) of section 4141.291 of the Revised Code, then the individual, pursuant to division (A)(5) of this section, shall be ineligible for benefits for any week of unemployment that occurs prior to the layoff date.

(v) The individual's spouse is a member of the armed forces of the United States who is on active duty or a member of the commissioned corps of the national oceanic and atmospheric administration or public health service, the spouse is the subject of a transfer, the individual left employment to accompany the individual's spouse to a location from which it is impractical to commute to the individual's place of employment, and upon arrival at the new place of residence, the individual is in all respects able and available for suitable work. For ~~purpose~~ purposes of division (D)(2)(a)(v) of this section, "active duty" and "armed forces" have the same meanings as in 10 U.S.C. 101.

(b) The individual has refused without good cause to

accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course pursuant to division (A)(4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any employer and, except as provided in division (B)(1)(b) of section 4141.241 of the Revised Code, shall be charged to the mutualized account as provided in division (B) of section 4141.25 of the Revised Code.

(c) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.

(d) The individual became unemployed by reason of commitment to any correctional institution.

(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the individual for such work in the individual's base period shall

not be credited for the purpose of determining the total benefits to which the individual is eligible and the weekly benefit amount to be paid under section 4141.30 of the Revised Code. Such excluded remuneration and noncredited qualifying weeks shall be excluded from the calculation of the maximum amount to be charged, under division (D) of section 4141.24 and section 4141.33 of the Revised Code, against the accounts of the individual's base period employers. In addition, no benefits shall thereafter be paid to the individual based upon such excluded remuneration or noncredited qualifying weeks.

For purposes of division (D)(2)(e) of this section, "dishonesty" means the commission of substantive theft, fraud, or deceitful acts.

(3) For purposes of division (D)(2)(a) of this section, an individual shall be considered to have quit work without just cause if all of the following apply:

(a) The individual is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment.

(b) The individual is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment.

(c) Suitable work assignments are available with the employer, but the individual fails to contact the employer to inquire about work assignments.

(E) No individual otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept new work if:

(1) As a condition of being so employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization.

(2) The position offered is vacant due directly to a strike, lockout, or other labor dispute.

(3) The work is at an unreasonable distance from the individual's residence, having regard to the character of the work the individual has been accustomed to do, and travel to the place of work involves expenses substantially greater than that required for the individual's former work, unless the expense is provided for.

(4) The remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(F) Subject to the special exceptions contained in division (A)(4)(f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a

separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992, twenty-seven and one-half per cent of the statewide average weekly wage as computed each first day of January under division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar, except for purposes of division (D)(2)(c) of this section, such term means the full period of unemployment next ensuing after a separation from such work and until such individual has become reemployed subject to the terms set forth above, and has earned wages equal to one-half of the individual's average weekly wage or sixty dollars, whichever is less.

(H) If a claimant is disqualified under division (D)(2)(a), (c), or (d) of this section or found to be qualified under the exceptions provided in division (D)(2)(a)(i), (iii), (iv), or (v) of this section or division (A)(2) of section 4141.291 of the Revised Code, then benefits that may become payable to such claimant, which are chargeable to the account of the employer from whom the individual was separated under such conditions, shall be charged to the mutualized account provided in section 4141.25 of the Revised Code, provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code. In the case of a reimbursing employer, the director shall refund or credit to the

account of the reimbursing employer any over-paid benefits that are recovered under division (B) of section 4141.35 of the Revised Code. Amounts chargeable to other states, the United States, or Canada that are subject to agreements and arrangements that are established pursuant to section 4141.43 of the Revised Code shall be credited or reimbursed according to the agreements and arrangements to which the chargeable amounts are subject.

(I)(1) Benefits based on service in employment as provided in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a contract or a reasonable assurance that the individual will perform services in any such capacity for any such institution in the second of those academic years or terms.

(b) Benefits based on service for an educational

institution or an institution of higher education in other than an instructional, research, or principal administrative capacity, shall not be paid to any individual for any week of unemployment which begins during the period between two successive academic years or terms of the employing educational institution or institution of higher education, provided the individual performed those services for the educational institution or institution of higher education during the first such academic year or term and, there is a reasonable assurance that such individual will perform those services for any educational institution or institution of higher education in the second of such academic years or terms.

If compensation is denied to any individual for any week under division (I)(1)(b) of this section and the individual was not offered an opportunity to perform those services for an institution of higher education or for an educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of compensation for each week for which the individual timely filed a claim for compensation and for which compensation was denied solely by reason of division (I)(1)(b) of this section. An application for retroactive benefits shall be timely filed if received by the director or the director's deputy within or prior to the end of the fourth full calendar week after the end of the period for which benefits were denied because of reasonable assurance of employment. The provision for the payment of retroactive benefits under division (I)(1)(b) of this section is applicable to weeks of unemployment beginning on and after November 18, 1983. The provisions under division (I)(1)(b) of this section shall be retroactive to September 5, 1982, only if, as a condition for full tax credit against the tax imposed by the

"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States secretary of labor determines that retroactivity is required by federal law.

(c) With respect to weeks of unemployment beginning after December 31, 1977, benefits shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess, if the individual performs any services described in divisions (I)(1)(a) and (b) of this section in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform any such services in the period immediately following the vacation period or holiday recess.

(d) With respect to any services described in division (I)(1)(a), (b), or (c) of this section, benefits payable on the basis of services in any such capacity shall be denied as specified in division (I)(1)(a), (b), or (c) of this section to any individual who performs such services in an educational institution or institution of higher education while in the employ of an educational service agency. For this purpose, the term "educational service agency" means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing services to one or more educational institutions or one or more institutions of higher education.

(e) Any individual employed by a county board of developmental disabilities shall be notified by the thirtieth day of April each year if the individual is not to be reemployed the following academic year.

(f) Any individual employed by a school district, other than a municipal school district as defined in section 3311.71 of the Revised Code, shall be notified by the first day of June

each year if the individual is not to be reemployed the following academic year.

(2) No disqualification will be imposed, between academic years or terms or during a vacation period or holiday recess under this division, unless the director or the director's deputy has received a statement in writing from the educational institution or institution of higher education that the claimant has a contract for, or a reasonable assurance of, reemployment for the ensuing academic year or term.

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d)(5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in fact, been lawfully admitted to the United States.

(K) The director shall establish and utilize a system of profiling all new claimants under this chapter that:

(1) Identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;

(2) Refers claimants identified pursuant to division (K)(1) of this section to reemployment services, such as job search assistance services, available under any state or federal law;

(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K)(1) of this section; and

(4) Meets such other requirements as the United States secretary of labor determines are appropriate.

(L) Except as otherwise provided in division (A)(6) of this section, ineligibility pursuant to division (A) of this section shall begin on the first day of the week in which the claimant becomes ineligible for benefits and shall end on the

last day of the week preceding the week in which the claimant satisfies the eligibility requirements.

(M) The director may adopt rules that the director considers necessary for the administration of division (A) of this section.

Sec. 4141.33. (A) As used in this section:

(1) "Reasonable assurance" means a written, verbal, or implied agreement that the individual will perform services in the same or similar capacity during the ensuing sports season or seasonal period.

(2) "Seasonal employment" means employment of individuals hired primarily to perform services in an industry which because of climatic conditions or because of the seasonal nature of such industry it is customary to operate only during regularly recurring periods of forty weeks or less in any consecutive fifty-two weeks.

(3) "Seasonal employer" means an employer determined by the director of job and family services to be an employer whose operations and business, with the exception of certain administrative and maintenance operations, are substantially all in a seasonal industry.

(4) "Significantly" means forty per cent or more of an individual's base period consists of services performed in seasonal employment.

(B) Any employer who claims to have seasonal employment in a seasonal industry may file with the director a written application for classification of such employment as seasonal. Whenever in any industry it is customary to operate because of climatic conditions or because of the seasonal nature of such

industry only during regularly recurring periods of forty weeks or less duration, benefits shall be payable only during the longest seasonal periods which the best practice of such industry will reasonably permit. The director shall determine~~, after investigation, hearing, and due notice,~~ whether the industry is seasonal and, if seasonal, establish seasonal periods for such seasonal employer. The director shall make the determination based on the application for classification filed under this section and any other relevant information available. Until such determination by the director, no industry or employment shall be deemed seasonal.

(C) When the director has determined such seasonal periods, the director shall also establish the proportionate number of weeks of employment and earnings required to qualify for seasonal benefit rights in place of the weeks of employment and earnings requirement stipulated in division (R) of section 4141.01 and section 4141.30 of the Revised Code, and the proportionate number of weeks for which seasonal benefits may be paid. An individual whose base period employment consists of only seasonal employment for a single seasonal employer and who meets the employment and earnings requirements determined by the director pursuant to this division will have benefit rights determined in accordance with this division, except benefits shall not be paid for any week between two successive seasonal periods. Benefit charges for such seasonal employment shall be computed and charged in accordance with division (D) of section 4141.24 of the Revised Code. The director may adopt rules for implementation of this section.

(D) An individual whose base period employment consists of either seasonal employment with two or more seasonal employers or both seasonal employment and nonseasonal employment with

employers subject to this chapter, will have benefit rights determined in accordance with division (R) of section 4141.01 and section 4141.30 of the Revised Code. Benefit charges for both seasonal and nonseasonal employment shall be computed and charged in accordance with division (D) of section 4141.24 of the Revised Code. The total seasonal and nonseasonal benefits during a benefit year cannot exceed twenty-six times the weekly benefit amount. Effective October 30, 2011, an individual who performs services that significantly consist of services performed in seasonal employment shall not be paid benefits for those services for any week in the period between two successive seasonal periods if the individual performed those services in the first of the seasonal periods and there is reasonable assurance that the individual will perform those services in the later of the seasonal periods. The director shall adopt rules for the implementation of this division.

(E) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons, or similar periods, if the individual performed services in the first of the seasons, or similar periods, and there is a reasonable assurance that the individual will perform services in the later of the seasons, or similar periods.

(F) The director shall adopt rules concerning the eligibility for benefits of individuals under divisions (D) and (E) of this section.

Sec. 4141.44. (A)(1) The director of job and family services shall collect a technology and customer service fee of

not more than fifteen-hundredths of one per cent of wages per employee subject to this chapter from each contributory employer. The director shall collect any fee due under this division at the same time and in the same manner as contributions due under section 4141.25 of the Revised Code.

(2) At the time a nonprofit organization, or group of such organizations, that elects to become liable for payments in lieu of contributions files or renews a surety bond with the director in accordance with division (C) of section 4141.241 of the Revised Code, the director shall collect a technology and customer service fee of not more than thirteen dollars and fifty cents from the organization or group of organizations.

(B) Technology and customer service fees collected under division (A) of this section shall be paid into the unemployment compensation special administrative fund established in section 4141.11 of the Revised Code.

Sec. 4141.56. ~~Beginning one year after the effective date of this section, and every year thereafter, the~~ The director of job and family services annually shall prepare a report and submit ~~a report~~ it by the first day of August to the governor, the president and minority leader of the senate, and the speaker and the minority leader of the house of representatives ~~that discusses~~ . The report shall discuss the utilization of the SharedWork Ohio program created under section 4141.50 of the Revised Code. The director shall include in that report the number of employers and employees participating in the program, the amount of shared work compensation paid under the program during the immediately preceding year, and any other information the director considers to be relevant.

Sec. 4141.60. (A) ~~Beginning on the last day of February~~

~~that occurs after the effective date of this section, and annually thereafter, the~~ The director of job and family services annually shall prepare a report and submit ~~a report~~ it by the first day of August to the persons listed in division (B) of this section. The director shall include all of the following information in the report with respect to the calendar year preceding the date the report is submitted:

(1) The number of calls received from applicants for and recipients of benefits under this chapter at all call centers operated by the director;

(2) The total number of claims for benefits filed under this chapter;

(3) The number of claims for benefits marked as potentially fraudulent;

(4) The number of complaints submitted by applicants for and recipients of benefits under this chapter through the uniform process created by the director under section 4141.13 of the Revised Code;

(5) A summary of updates or changes to the technology the director uses to administer this chapter that have occurred during the calendar year covered by the report.

(B) The director shall submit the report required under division (A) of this section to the speaker of the house of representatives, the president of the senate, and the governor~~, and the members of the unemployment compensation modernization and improvement council~~.

Sec. 4301.12. (A) The division of liquor control shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or

agents prior to paying them to the treasurer of state as provided by section 113.08 of the Revised Code.

(B) A sum equal to three dollars and thirty-eight cents for each gallon of spirituous liquor sold by the division, JobsOhio, or a designee of JobsOhio during the period covered by the payment shall be paid into the state treasury to the credit of the general revenue fund. ~~All moneys~~ Except as provided in division (G) of section 4301.30 of the Revised Code, all money received from permit fees~~, except B-2a, S-1, and S-2 permit fees from B-2a, S-1, and S-2 permit holders who do not also hold A-2 or A-2f permits,~~ shall be paid to the credit of the undivided liquor permit fund established by section 4301.30 of the Revised Code.

(C) Except as otherwise provided by law, the division shall deposit all moneys collected under Chapters 4301. and 4303. of the Revised Code into the state treasury to the credit of the state liquor regulatory fund created in section 4301.30 of the Revised Code. In addition, revenue resulting from any contracts with the department of commerce pertaining to the responsibilities and operations described in this chapter may be credited to the fund.

(D) Whenever, in the judgment of the director of budget and management, the amount in the liquor control fund is in excess of that needed to meet the maturing obligations of the division, as working capital for its further operations, to pay the operating expenses of the commission, and for the alcohol testing program under section 3701.143 of the Revised Code, the director shall transfer the excess to the credit of the general revenue fund. If the director determines that the amount in the liquor control fund is insufficient, the director may transfer

money from the general revenue fund to the liquor control fund.

Sec. 4301.19. The division of liquor control shall sell spirituous liquor only, whether from a warehouse ~~or from~~ , a state liquor store ~~or~~ , an agency store, or an A-3a permit premises. All sales shall be in sealed containers and for resale as authorized by this chapter and Chapter 4303. of the Revised Code or for consumption off the premises only. Except as otherwise provided in this section, sale of containers holding one-half pint or less of spirituous liquor by the division shall be made at retail only, and not for the purpose of resale by any purchaser, by special order placed with a state liquor store or agency store and subject to rules established by the superintendent of liquor control. The division may sell at wholesale spirituous liquor in fifty milliliter sealed containers to any holder of a permit issued under Chapter 4303. of the Revised Code that authorizes the sale of spirituous liquor for consumption on the premises where sold. A person appointed by the division to act as an agent for the sale of spirituous liquor pursuant to section 4301.17 of the Revised Code may provide and accept gift certificates and may accept credit cards and debit cards for the retail purchase of spirituous liquor. Deliveries shall be made in the manner the superintendent determines by rule.

Subject to division (A)(3) of section 4301.10 and division (A) of section 4301.14 of the Revised Code, if any person desires to purchase any variety or brand of spirituous liquor which is not in stock at the state liquor store or agency store where the variety or brand is ordered, the division shall immediately procure the variety or brand. The purchaser shall be immediately notified upon the arrival of the spirituous liquor at the store at which it was ordered. Unless the purchaser pays

for the variety or brand and accepts delivery within five days after the giving of the notice, the division may place the spirituous liquor in stock for general sale.

Sec. 4301.30. (A) ~~All~~ Except as provided in division (G) of this section, all fees collected by the division of liquor control shall be deposited in the state treasury to the credit of the undivided liquor permit fund, which is hereby created, at the time prescribed under section 4301.12 of the Revised Code. Each payment shall be accompanied by a statement showing separately the amount collected for each class of permits in each municipal corporation and in each township outside the limits of any municipal corporation in such township.

(B)(1) An amount equal to forty-five per cent of the fund shall be paid from the fund into the state liquor regulatory fund, which is hereby created in the state treasury. The state liquor regulatory fund shall be used to pay the operating expenses of the division of liquor control in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the liquor control commission. Investment earnings of the fund shall be credited to the fund.

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall

be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the division of liquor control derived under division (B)(4) of section 4301.10 of the Revised Code, to the department of mental health and addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 5119. of the Revised Code, the department shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act.

(D) Thirty-five per cent of the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(1) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits in the municipal corporation, for the use of the general fund of the municipal corporation;

(2) To each township, the aggregate amount shown by the statements to have been collected from permits in its territory, outside the limits of any municipal corporation located in the township, for the use of the general fund of the township, or for fire protection purposes, including buildings and equipment in the township or in an established fire district within the township, to the extent that the funds are derived from liquor permits within the territory comprising such fire district.

(E) For the purpose of the distribution required by this section, E, H, and D permits covering boats or vessels are deemed to have been issued in the municipal corporation or township wherein the owner or operator of the vehicle, boat, vessel, or dining car equipment to which the permit relates has the owner's or operator's principal office or place of business

within the state.

(F) If the division determines that the police or other officers of any municipal corporation or township entitled to share in distributions under this section are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the division authorized by division (A)(4) of section 4301.10 of the Revised Code, the division, by certified mail or by electronic means as determined by the superintendent to provide proper notice under the laws of this state, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the division shall determine whether the requirement has been complied with. If the division determines that the requirement has not been complied with, it may withhold the distributive share of the municipal corporation or township. This action of the division is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

(G) All fees collected by the division of liquor control from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits,~~the following permits shall be deposited in the state treasury to the credit of the state liquor regulatory fund:

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits;

(2) H permits where the permit premises are located outside of this state. ~~Once~~

Once during each fiscal year, an amount equal to fifty per cent of the fees collected shall be paid from the state liquor regulatory fund into the general revenue fund.

Sec. 4303.183. Permit D-7 may be issued to the holder of any D-2 permit issued by the division of liquor control, or if there is an insufficient number of D-2 permit holders to fill the resort quota, to the operator of a retail food establishment or a food service operation required to be licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and which qualifies under the other requirements of this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. Not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration in order to qualify for and continue to hold such D-7 permit. The permit premises shall be located in a resort area.

"Resort area" means a municipal corporation, township, county, or any combination thereof, which provides entertainment, recreation, and transient housing facilities specifically intended to provide leisure time activities for persons other than those whose permanent residence is within the "resort area" and who increase the population of the "resort area" on a seasonal basis, and which experiences seasonal peaks of employment and governmental services as a direct result of

population increase generated by the transient, recreating public. A resort season shall begin on the first day of May and end on the last day of October. Notwithstanding section 4303.27 of the Revised Code, such permits may be issued for resort seasons without regard to the calendar year or permit year. Quota restrictions on the number of such permits shall take into consideration the transient population during the resort season, the custom and habits of visitors and tourists, and the promotion of the resort and tourist industry. The fee for this permit is ~~four hundred sixty-nine dollars per month~~two thousand eight hundred fourteen dollars.

Any suspension of a D-7 permit shall be satisfied during the resort season in which such suspension becomes final. If such suspension becomes final during the off-season, or if the period of the suspension extends beyond the last day of October, the suspension or remainder thereof shall be satisfied during the next resort season.

The ownership of a D-7 permit may be transferred from one permit holder to another. The holder of a D-7 permit may file an application to transfer such permit to a new location within the same resort area, provided that such permit holder shall be the owner or operator of a retail food establishment or a food service operation, required to be licensed under Chapter 3717. of the Revised Code, that operates as a restaurant for purposes of this chapter, at such new location.

Sec. 4303.204. (A) The division of liquor control may issue an F-4 permit to an organization or corporation organized not-for-profit in this state to conduct an event that includes the introduction, showcasing, or promotion of Ohio wines, if the event has all of the following characteristics:

(1) It is coordinated by that organization or corporation, and the organization or corporation is responsible for the activities at it.

(2) It has as one of its purposes the intent to introduce, showcase, or promote Ohio wines to persons who attend it.

(3) It includes the sale of food for consumption on the premises where sold.

(4) It features any combination of at least three A-2 or A-2f permit holders who sell Ohio wine at it.

(B) The holder of an F-4 permit may furnish, with or without charge, wine that it has obtained from the A-2 or A-2f permit holders that are participating in the event for which the F-4 permit is issued, in two-ounce samples for consumption on the premises where furnished and may sell such wine by the glass for consumption on the premises where sold. The holder of an A-2 or A-2f permit that is participating in the event for which the F-4 permit is issued may sell wine that it has manufactured, in sealed containers for consumption off the premises where sold. Wine may be furnished or sold on the premises of the event for which the F-4 permit is issued only where and when the sale of wine is otherwise permitted by law.

(C) The premises of the event for which the F-4 permit is issued shall be clearly defined and sufficiently restricted to allow proper enforcement of the permit by state and local law enforcement officers. If an F-4 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges will be suspended in that portion of the premises in which the F-4 permit is in effect.

(D) No F-4 permit shall be effective for more than seventy-two consecutive hours. No sales or furnishing of wine shall take place under an F-4 permit after one a.m.

(E) The division shall not issue more than six F-4 permits to the same not-for-profit organization or corporation in any one calendar year.

(F) An applicant for an F-4 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. The application for the permit shall list all of the A-2 and A-2f permit holders that will participate in the event for which the F-4 permit is sought. The fee for the F-4 permit is ~~sixty dollars per day~~one hundred eighty dollars.

The division shall prepare and make available an F-4 permit application form and may require applicants for and holders of the F-4 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(G)(1) The holder of an F-4 permit is responsible for, and is subject to penalties for, any violations of this chapter or Chapter 4301. of the Revised Code or the rules adopted under this and that chapter.

(2) An F-4 permit holder shall not allow an A-2 or A-2f permit holder to participate in the event for which the F-4 permit is issued if the A-2 or A-2f or the A-1-A permit of that A-2 or A-2f permit holder is under suspension.

(3) The division may refuse to issue an F-4 permit to an applicant who has violated any provision of this chapter or Chapter 4301. of the Revised Code during the applicant's

previous operation under an F-4 permit, for a period of up to two years after the date of the violation.

(H)(1) Notwithstanding division (D) of section 4301.22 of the Revised Code, an A-2 or A-2f permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers of wine to the A-2 or A-2f permit holder that donated the wine at the conclusion of the event for which the F-4 permit was issued.

(2) The participation by an A-2 or A-2f permit holder or its employees in an event for which an F-4 permit is issued does not violate section 4301.24 of the Revised Code.

Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on

the premises where sold.

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold.

The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law.

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect.

(E)(1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is ~~sixty dollars for each day of the event~~one hundred eighty dollars.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(H)(1) An F-11 permit holder is responsible, and is subject to penalties, for any violations of this chapter or Chapter 4301. of the Revised Code that occur during the event.

(2) An F-11 permit holder shall not allow an A-1 or A-1c permit holder to participate in the event if the A-1 or A-1c permit or, if applicable, the A-1-A permit of that A-1 or A-1c permit holder is under suspension.

(3) The division may refuse to issue an F-11 permit to an applicant if both of the following apply:

(a) The applicant has pleaded guilty to or has been convicted of violating this chapter or Chapter 4301. of the Revised Code while operating under a previously issued F-11 permit.

(b) The violation occurred within the two years preceding

the filing of the new F-11 permit application.

(I) Notwithstanding any provision of section 4301.24 of the Revised Code or any rule adopted by the liquor control commission to the contrary, employees of an A-1 or A-1c permit holder or B-1 permit holder, or employees or agents of a B-1 permit holder may assist an F-11 permit holder in serving beer at an event for which an F-11 permit is issued.

Sec. 4303.233. (A) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(B)(1) The division of liquor control may issue an S-2 permit to a person that manufactures two hundred fifty thousand gallons or more of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides and by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) An S-2 permit holder may sell wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only wine that the permit holder has manufactured to a personal consumer. An S-2 permit holder may use a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine to a personal consumer. A fulfillment warehouse is an agent of an S-2 permit holder and an S-2 permit

holder is liable for violations of this chapter and Chapter 4301. of the Revised Code that are committed by the fulfillment warehouse regarding wine shipped on behalf of the S-2 permit holder.

(C) An S-2 permit holder shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(D)(1) An S-2 permit holder shall send a shipment of wine that has been paid for by a personal consumer to that personal consumer via an H permit holder. Prior to sending a shipment of wine to a personal consumer, the S-2 permit holder, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of wine shall be shipped in a package that clearly states that it contains alcohol. No person shall fail to comply with division (D)(1) of this section.

(2) Upon delivering a shipment of wine to a personal consumer, an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) An S-2 permit holder shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that

purchased wine from the S-2 permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S-2 permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer.

(E) An S-2 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(F)(1) An S-2 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(2) The division may refuse to renew an S-2 permit for any

of the reasons specified in section 4303.292 of the Revised Code or if the permit holder fails to do any of the following:

(a) Collect and pay all applicable taxes specified in division (C) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(G) The ~~initial~~ fee for the S-2 permit is two hundred fifty dollars. ~~The renewal fee for the S-2 permit is one hundred dollars.~~

Sec. 4305.13. (A) If the tax commissioner finds that any permit holder, liable for tax under Chapter 4301., 4305., or 4307. of the Revised Code, is about to depart from the state, remove the permit holder's property from the state, conceal the permit holder's self or property, or do any other act tending to prejudice, obstruct, or render wholly or partially ineffectual proceedings to collect the tax, unless the proceedings are commenced without delay, or if the commissioner believes that the collection of the amount due from any permit holder will be jeopardized by delay, the commissioner may issue a jeopardy assessment against the permit holder for the amount of the tax, plus a penalty of up to thirty per cent. Upon issuance of a jeopardy assessment under this division, the total amount assessed shall immediately be due and payable unless security is provided pursuant to division (C) of this section. Any assessment issued under this section shall bear interest as prescribed by section 4305.131 of the Revised Code.

(B) The commissioner immediately shall file an entry with

the clerk of the court of common pleas in the same manner and with the same effect as provided in section 4305.131 of the Revised Code. Notice of the jeopardy assessment shall be served on the permit holder assessed or the permit holder's legal representative, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The permit holder assessed may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 4305.131 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of the existence of the judgment filed pursuant to this division, any public official having control or custody of any funds or property of the person assessed immediately shall pay or deliver the funds or property to the commissioner as full or partial satisfaction of the jeopardy assessment. However, funds or property needed as evidence in criminal proceedings or that is expected to be forfeited pursuant to Chapter 2981. of the Revised Code need not be relinquished by the public official. Upon disposition of criminal and forfeiture proceedings, funds and property not needed as evidence and not forfeited shall be delivered to the commissioner.

(C) If the permit holder subject to a jeopardy assessment files a petition for reassessment and posts security satisfactory to the commissioner in an amount sufficient to satisfy the unpaid balance of the assessment, execution on the judgment shall be stayed pending disposition of the petition for reassessment and all appeals resulting from the petition. If the security is sufficient to satisfy the full amount of the assessment, the commissioner shall return any funds or property

of the permit holder previously seized. Upon satisfaction of the assessment the commissioner shall order the security released and the judgment vacated.

~~(D) The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments under this section.~~

Sec. 4305.131. (A) If any permit holder fails to pay the taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of the Revised Code in the manner prescribed by section 4303.33 of the Revised Code, or by section 4301.421 or 4301.424 of the Revised Code in the manner prescribed in section 4301.422 of the Revised Code, and by the rules of the tax commissioner, the commissioner may make an assessment against the permit holder based upon any information in the commissioner's possession.

No assessment shall be made against any permit holder for any taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 4301.432, or 4305.01 of the Revised Code more than three years after the last day of the calendar month in which the sale was made or more than three years after the return for that period is filed, whichever is later. This section does not bar an assessment against any permit holder or registrant as provided in section 4303.331 of the Revised Code who fails to file a return as required by section 4301.422 or 4303.33 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. ~~The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.~~

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the permit holder's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the

amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state beer and liquor sales taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as otherwise provided in this chapter and Chapters 4301. and 4307. of the Revised Code.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by sections 4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4501.027. (A) Notwithstanding any provision of law to the contrary, the registrar of motor vehicles may conduct, or authorize a deputy registrar to conduct, any service or transaction authorized or required by law in an electronic or

online format rather than in person. The registrar or deputy registrar also may accept electronically any documents required to accompany such service or transaction or any documents approved by the registrar for electronic or online submission and acceptance.

(B) The registrar or deputy registrar shall charge the same amount for the electronic or online service or transaction as the registrar or deputy registrar charges for the associated in-person transaction. The registrar or deputy registrar may accept payment for any such service or transaction by a financial transaction device. The registrar or deputy registrar may charge a person who tenders payment for an online service or transaction by means of a financial transaction device any costs the registrar or deputy registrar incurs from accepting payment by the financial transaction device.

Sec. 4501.11. (A) There is hereby created in the state treasury the security, investigations, and policing fund. Notwithstanding section 5503.04 of the Revised Code, no fines collected from or money arising from bonds or bail forfeited by persons apprehended or arrested by state highway patrol troopers shall be credited to the general revenue fund until sufficient revenue to fund appropriations for the activities described under division (B) of this section are credited to the security, investigations, and policing fund. All investment earnings of the security, investigations, and policing fund shall be credited to that fund.

This division does not apply to fines for violations of division (B) of section 4513.263 of the Revised Code, or to fines for violations of any municipal ordinance that is substantively comparable to that division, which fines shall be

delivered to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

(B) The money credited to the security, investigations, and policing fund shall be used to pay the costs of:

(1) Providing security for the governor, other officials and dignitaries, the capitol square, and other state property pursuant to division (E) of section 5503.02 of the Revised Code;

(2) Undertaking major criminal investigations that involve state property interests;

(3) Providing traffic control and security for the Ohio expositions commission on a full-time, year-round basis;

(4) Performing nonhighway-related duties of the state highway patrol at the Ohio state fair.

Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in sections 4503.103 and 4503.107 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title

of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to apply for or renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the year, make, model, and vehicle identification number, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business

or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social

security numbers on motor vehicle certificates of registration.

(8) Whether the applicant wishes to certify willingness to make an anatomical gift if an applicant has not so certified under section 2108.05 of the Revised Code. The applicant's response shall not be considered in the decision of whether to approve the application for registration.

(B)(1) When an applicant first registers a motor vehicle in the applicant's name, the applicant shall provide proof of ownership of that motor vehicle. Proof of ownership may include any of the following:

(a) The applicant may present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant.

(b) The applicant may present for inspection an electronic certificate of title for the applicant's motor vehicle in a manner prescribed by rules adopted by the registrar.

(c) The registrar or deputy registrar may electronically confirm the applicant's ownership of the motor vehicle.

An applicant is not required to present a certificate of title to an electronic motor vehicle dealer acting as a limited authority deputy registrar in accordance with rules adopted by the registrar.

(2) When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section.

(3) An application for registration shall be refused if any of the following applies:

(a) The application is not in proper form.

(b) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code.

(c) Proof of ownership is required but is not presented or confirmed in accordance with division (B)(1) of this section.

(d) All registration and transfer fees for the motor vehicle, for the preceding year or the preceding period of the current registration year, have not been paid.

(e) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

(4) This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code.

(5) When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title or electronic verification of ownership, an electronic

stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any.

(6) The official also shall indicate, by a stamp or by other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

(7) The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

(C)(1) ~~Except as otherwise provided in division (C)(1) of this section, the~~ The registrar and each deputy registrar shall collect ~~an~~ the following additional ~~fee of eleven dollars~~ fees for each application for registration and registration renewal received~~.~~:

(a) Except as provided in division (C)(1)(b) of this section, a fee of eleven dollars on or before December 31, 2025, and a fee of twenty-one dollars on and after January 1, 2026;

(b) For vehicles specified in divisions (A)(1) to (21) of section 4503.042 of the Revised Code, ~~the registrar and deputy~~

~~registrar shall collect an additional~~ a fee of thirty dollars ~~for each application for registration and registration renewal received~~on or before December 31, 2025, and a fee of forty dollars on and after January 1, 2026.

No additional fee shall be charged for vehicles registered under section 4503.65 of the Revised Code. ~~The~~ Each additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. Each deputy registrar shall transmit the fees collected under divisions (C)(1) and (3) of this section in the time and manner provided in this section. The registrar shall deposit all moneys received under division (C)(1) of this section into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(2) In addition, a charge of twenty-five cents shall be made for each reflectorized safety license plate issued, and a single charge of twenty-five cents shall be made for each county identification sticker or each set of county identification stickers issued, as the case may be, to cover the cost of producing the license plates and stickers, including material, manufacturing, and administrative costs. Those fees shall be in addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents per sticker or per set issued, any excess moneys accruing from the fees shall be distributed in the same manner as provided by section 4501.04 of the Revised Code for the distribution of license tax moneys. If the total cost of producing the plates exceeds twenty-five cents per plate, or if the total cost of producing the stickers exceeds twenty-five cents per sticker or

per set issued, the difference shall be paid from the license tax moneys collected pursuant to section 4503.02 of the Revised Code.

(3) The registrar and each deputy registrar shall collect the following additional fee, as applicable, for each application for registration or registration renewal received for any hybrid motor vehicle, plug-in hybrid electric motor vehicle, or battery electric motor vehicle:

(a) One hundred dollars for a hybrid motor vehicle;

(b) One hundred fifty dollars for a plug-in hybrid electric motor vehicle;

(c) Two hundred dollars for a battery electric motor vehicle.

Each fee imposed under this division shall be prorated based on the number of months for which the vehicle is registered. The registrar shall transmit all money arising from each fee to the treasurer of state for distribution in accordance with division (E) of section 5735.051 of the Revised Code, subject to division (D) of section 5735.05 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee equal to the amount established under section 4503.038 of the Revised Code for each application for registration and registration renewal notice the deputy registrar receives, which shall be for the purpose of compensating the deputy registrar for the deputy registrar's services, and such office and rental expenses, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and renewal notices and the issuing of registrations.

(E) Upon the certification of the registrar, the county sheriff or local police officials shall recover license plates erroneously or fraudulently issued.

(F) Each deputy registrar, upon receipt of any application for registration or registration renewal notice, together with the license fee and any local motor vehicle license tax levied pursuant to Chapter 4504. of the Revised Code, shall transmit that fee and tax, if any, in the manner provided in this section, together with the original and duplicate copy of the application, to the registrar. The registrar, subject to the approval of the director of public safety, may deposit the funds collected by those deputies in a local bank or depository to the credit of the "state of Ohio, bureau of motor vehicles." Where a local bank or depository has been designated by the registrar, each deputy registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of funds by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, municipal corporations, and transportation improvement districts levying local motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy

registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee equal to the amount established under section 4503.038 of the Revised Code for each application.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor

vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Subject to division (K) of this section, application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

(3) Any other information the registrar requires by rule.

(K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct electronic transactions by July 1, 2010, or sooner. If the registrar determines that implementing such a program is feasible, the registrar shall adopt new rules under this division or amend existing rules adopted under this division as necessary in order to respond to advances in technology.

If international registration plan guidelines and provisions allow member jurisdictions to permit applications for registrations under the international registration plan to be made via the internet, the rules the registrar adopts under this division shall permit such action.

Sec. 4503.102. ~~(A)~~ (A)(1) The registrar of motor vehicles ~~shall~~ may adopt rules to establish a centralized system of motor vehicle registration for initial registration, registration renewal, and transfer of registration, by mail or by electronic means. ~~Any~~

(2) Any person applying electronically for initial registration or for transfer of registration may submit all associated documents electronically through the centralized system of motor vehicle registration established under this section. The registrar or a deputy registrar shall verify and

authenticate such documents.

(3) Any person owning a motor vehicle that was registered in the person's name during the preceding registration year shall renew the registration of the motor vehicle not more than ninety days prior to the expiration date of the registration ~~either by~~ through one of the following:

(a) By mail or by electronic means through the centralized system of registration established under this section~~, or in~~ ;

(b) In person at any office of the registrar or at a deputy registrar's office.

(B)(1) Except as provided in division (B)(2) of this section, no less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D)(1) of section 4503.031 of the Revised Code, ~~a statement that payment for a renewal may be made by financial transaction device using the toll-free telephone number,~~ and any additional information the registrar may require by rule. The renewal notice shall not include the social security number of either the owner of the motor vehicle or the person in whose

name the motor vehicle is registered. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

(2) The registrar is not required to mail a renewal notice if either of the following applies:

(a) The owner of the vehicle has consented to receiving the renewal notice by electronic means only.

(b) The application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar or a deputy registrar by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code.

(3) If the owner of a motor vehicle has consented to receiving a renewal notice by electronic means only, the registrar shall send an electronic renewal notice to the owner that contains the information specified in division (B)(1) of this section at the time specified under that division.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar. The owner shall include with the notice a financial transaction device number when renewing in person or by electronic means but not by mail, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a service fee equal to the amount established under section 4503.038 of the Revised Code,

plus postage as indicated on the notice if the registration is renewed or fulfilled by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. ~~For purposes of the centralized system of motor vehicle registration, the registrar shall accept payments via the toll-free telephone number established under division (D)(1) of section 4503.031 of the Revised Code for renewals made by mail.~~ If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E)(1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive

a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

~~(G)~~ (G)(1) The service fee equal to the amount established

under section 4503.038 of the Revised Code that is collected from a person who renews a motor vehicle registration by electronic means or by mail, plus postage collected by the registrar and any financial transaction device surcharge collected by the registrar, shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

(2) A person who submits an initial registration or a transfer of registration by electronic means under this section shall pay a service fee equal to the amount established under section 4503.038 of the Revised Code, any necessary postage costs, and any financial transaction device surcharge, as applicable. The service fee collected shall be paid either to the registrar or to the deputy registrar that verifies and authenticates the submitted documents in accordance with division (A)(2) of this section. If the registrar authorizes a deputy registrar to mail the certificate of registration and any associated license plate to the applicant, the postage costs shall be paid to that deputy registrar.

(H)(1) Pursuant to section 113.40 of the Revised Code, the registrar shall implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a financial transaction device for transactions occurring online, at any office of the registrar, and at all deputy registrar locations. The program shall take effect not later than July 1, 2016. The registrar shall adopt rules as necessary for this purpose, but all such rules are subject to any action, policy, or procedure of the board of deposit or treasurer of state taken or adopted under section 113.40 of the Revised Code.

(2) The rules adopted under division (H)(1) of this section shall require a deputy registrar to accept payments by means of a financial transaction device beginning on the effective date of the rules unless the deputy registrar contract entered into by the deputy registrar prohibits the acceptance of such payments by financial transaction device. However, commencing with deputy registrar contract awards that have a start date of July 1, 2016, and for all contract awards thereafter, the registrar shall require that the proposer accept payment by means of a financial transaction device, including credit cards and debit cards, for all department of public safety transactions conducted at that deputy registrar location.

The bureau and deputy registrars are not required to pay any costs that result from accepting payment by means of a financial transaction device. A deputy registrar may charge a person who tenders payment for a department transaction by means of a financial transaction device any cost the deputy registrar incurs from accepting payment by the financial transaction device, but the deputy registrar shall not require the person to pay any additional fee of any kind in connection with the use by the person of the financial transaction device.

(3) In accordance with division (H)(1) of this section and rules adopted by the registrar under that division, a county auditor or clerk of a court of common pleas that is designated a deputy registrar shall accept payment by means of a financial transaction device, including credit cards and debit cards, for all department transactions conducted at the office of the county auditor or clerk in the county auditor's or clerk's capacity as deputy registrar. The bureau is not required to pay any costs incurred by a county auditor or clerk that result from accepting payment by means of a financial transaction device for

any department transaction.

(I) For persons who reside in counties where tailpipe emissions inspections are required under the motor vehicle inspection and maintenance program, the notice required by division (B) of this section shall also include the toll-free telephone number maintained by the Ohio environmental protection agency to provide information concerning the locations of emissions testing centers. The registrar also shall include a statement in the notice that a battery electric motor vehicle is not required to undergo emissions inspection under the motor vehicle inspection and maintenance program established under section 3704.14 of the Revised Code.

Sec. 4503.20. (A) As used in this section~~:~~

~~(1) "Dealer engaged in the business of leasing motor vehicles" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, or other contractual arrangement.~~

~~(2) "Motor~~ , "motor vehicle" has the same meaning ~~set forth~~ as in section 4509.01 of the Revised Code.

(B) An application for the registration of a motor vehicle shall contain a statement~~, to be signed by the applicant either manually or by electronic signature,~~ that does all of the following:

(1) States that the applicant maintains, or has maintained on the applicant's behalf, proof of financial responsibility at the time of application, and will not operate a motor vehicle in this state, unless the applicant maintains, with respect to that motor vehicle or the operation of such vehicle, proof of

financial responsibility;

(2) Contains a brief summary of the purposes and operation of section 4509.101 of the Revised Code, the rights and duties of the applicant under that section, and the penalties for violation of that section;

(3) Warns the applicant that the financial responsibility law does not prevent the possibility that the applicant may be involved in an accident with an owner or operator of a motor vehicle who is without proof of financial responsibility.

~~(C)(1) A person who purchases any motor vehicle from a licensed motor vehicle dealer who agrees to make application for registration of the motor vehicle on behalf of the purchaser shall sign statements that comply with divisions (B) and (F) of this section. The dealer shall submit the statements to the deputy registrar where the dealer has agreed to make application for registration on behalf of the person.~~

~~(2) In the case of a person who leases any motor vehicle from a dealer engaged in the business of leasing motor vehicles who agrees to make application for registration of the motor vehicle on behalf of the lessee, the person shall sign a statement that complies with division (B) of this section, and the dealer shall do either of the following:~~

~~(a) Submit the statement signed by the person to the deputy registrar where the dealer has agreed to make application for registration on behalf of the person;~~

~~(b) Sign and submit a statement to the deputy registrar that certifies that a statement has been signed and filed with the dealer or incorporated into the lease.~~

~~The dealer shall submit to the registrar or deputy~~

~~registrar to whom the dealer submits the application for registration a statement signed by the person that complies with division (F) of this section.~~

~~(D)~~ (C) The registrar of motor vehicles shall prescribe the form of the ~~statements~~ statement required under ~~divisions (B), (C), and (F) of~~ this section, and the manner or manners in which the ~~statements required under divisions (B) and (F) of this section~~ statement shall be presented to the applicant. ~~Any~~ The statement ~~that is required under divisions (B), (C), and (F) of this section~~ shall be designed to enable the applicant to retain a copy of it.

~~(E)~~ (D) Nothing within this section shall be construed to excuse a violation of section 4509.101 of the Revised Code. A motor vehicle dealer who makes application for the registration of a motor vehicle on behalf of the purchaser or lessee of the motor vehicle is not liable in damages in any civil action on account of the act of making such application for registration or the content of any such application for registration.

~~(F)~~ (E) In addition to the ~~statements~~ statement required by ~~divisions~~ division (B) ~~and (C)~~ of this section, a person who makes application for registration of a motor vehicle shall be furnished with a form that lists in plain language all the possible penalties to which a person could be subject for a violation of the financial responsibility law, including driver's license suspensions and all fees, including ~~nonvoluntary compliance and~~ reinstatement fees. ~~The person shall read the form and either manually or by electronic signature sign the form, which shall be submitted along with the application for registration as provided in this section. The form shall be retained by the registrar or deputy registrar who~~

~~issues the motor vehicle registration or the registrar's or deputy registrar's successor for a period of two years from the date of issuance of the registration.~~

~~(G)~~ (F) Upon the registration of a motor vehicle, the owner of the motor vehicle is deemed to have agreed to the production of proof of financial responsibility by the owner or the operator of the motor vehicle, upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of section 4509.101 of the Revised Code.

~~(H)~~ (G) The registrar shall adopt rules governing the renewal of motor vehicle registrations by electronic means and the ~~completion and submission of statements~~ provision of a statement that ~~comply~~ complies with ~~divisions~~ division (B) ~~and (F)~~ of this section. The registrar shall adopt the rules prescribed by this division in accordance with Chapter 119. of the Revised Code.

Sec. 4503.29. (A) The director of veterans services in conjunction with the registrar of motor vehicles shall develop and maintain a program to establish and issue specialty license plates recognizing military service and military honors pertaining to valor and service.

(B) The director and the registrar shall jointly adopt rules in accordance with Chapter 119. of the Revised Code for purposes of establishing the program under this section. The director and registrar shall adopt the rules as soon as possible after June 29, 2018, but not later than nine months after June 29, 2018. The rules shall do all of the following:

(1) Establish specialty license plates recognizing military service;

(2) Establish specialty license plates recognizing military honors pertaining to valor and service;

(3) Establish eligibility criteria that apply to each specialty license plate issued under this section;

(4) Establish requirements governing any necessary documentary evidence required to be presented by an applicant for a specialty license plate issued under this section. The rules shall allow an applicant to present a veterans identification card issued in accordance with section 317.241 of the Revised Code in lieu of a copy of the applicant's DD-214 or an equivalent document. An applicant may be required to present additional evidence if the veterans identification card does not show all of the information needed for issuance of the specific nonstandard license plate requested by the applicant.

(5) Establish guidelines for the designs, markings, and inscriptions on a specialty license plate established under this section;

(6) Establish procedures for altering the designs, markings, or inscriptions on a specialty license plate established under this section;

(7) Prohibit specialty license plates established under this section from recognizing achievement awards or unit awards;

(8) Establish any other procedures or requirements that are necessary for the implementation and administration of this section.

(C) The rules adopted under division (B) of this section shall provide for the establishment of the military specialty license plates created prior to June 29, 2018, that are no longer codified in the Revised Code.

(D)(1) Any person who meets the applicable qualifications for the issuance of a specialty license plate established by rule adopted under division (B) of this section may apply to the registrar of motor vehicles for the registration of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle the person owns or leases of a class approved by the registrar. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code.

(2)(a) Except as provided in division (D)(2)(b) of this section, upon receipt of an application for registration of a motor vehicle under this section and the required taxes and fees, compliance with all applicable laws relating to the registration of a motor vehicle, and, if necessary, upon presentation of the required documentary evidence, the registrar shall issue to the applicant the appropriate motor vehicle registration and a set of license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

(b) Any disabled veteran who qualifies to apply to the registrar for the registration of a motor vehicle under section 4503.41 of the Revised Code without the payment of any registration taxes or fees, may apply instead for registration of the motor vehicle under this section. The disabled veteran applying for registration under this section is not required to pay any registration taxes or fees as required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised Code, any local motor vehicle tax levied under Chapter 4504. of the Revised Code, ~~or~~ any fee charged under section 4503.19 of the Revised Code for up to two motor vehicles, including any motor vehicle registered under section 4503.41 of

the Revised Code, or any fees associated with transferring a registration under section 4503.12 of the Revised Code. Upon receipt of an application for registration of the motor vehicle and presentation of any documentation the registrar may require by rule, the registrar shall issue to the applicant the appropriate motor vehicle registration and a set of license plates authorized under this section and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

(3) The license plates shall display county identification stickers that identify the county of registration as required under section 4503.19 of the Revised Code.

Sec. 4503.41. (A) Any disabled veteran who, because of a service-connected disability, has been or is awarded funds for the purchase of a motor vehicle under the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto, and any disabled veteran having a service-connected disability rated at one hundred per cent by the veterans' administration, may apply to the registrar for the registration of the disabled veteran's personal motor vehicle. Except as provided in division (C) of this section, a disabled veteran is not required to pay any registration fee and service fee as required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised Code, any local motor vehicle tax levied under Chapter 4504. of the Revised Code, ~~or~~ any fee charged under section 4503.19 of the Revised Code, or any fees associated with transferring a registration under section 4503.12 of the Revised Code. The application for registration shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

(B) Upon the receipt of an application for registration of a motor vehicle under this section, and presentation of satisfactory evidence of disability, the registrar or deputy registrar shall issue to the applicant a set of license plates, which shall be red, white, and blue in color and shall, in addition to the letters and numbers ordinarily inscribed thereon, be inscribed with the word "veteran" and imprinted with the international wheelchair symbol.

(C) A disabled veteran who is eligible to register a motor vehicle under this section may register as many vehicles as are titled and registered in that disabled veteran's name. For each additional registration after the first registration, the registrar or deputy registrar shall collect any applicable fee imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 4503.103, and 4503.19 of the Revised Code, and any local motor vehicle tax levied under Chapter 4504. of the Revised Code.

Sec. 4503.511. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of a blackout license plate. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a blackout license plate and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily

inscribed on the license plates, blackout license plates shall have a black background with white letters or numbers. Blackout license plates shall not display the slogan "BIRTHPLACE OF AVIATION" as required under section 4503.22 of the Revised Code. Blackout license plates also shall not display county identification stickers that identify the county of registration as required under section 4503.19 of the Revised Code.

(B) A blackout license plate and a validation sticker, or validation sticker alone, shall be issued upon receipt of an application for registration of a motor vehicle under this section; payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, a blackout license plate fee as provided in division (C) of this section, and an additional administrative fee of ten dollars; and compliance with all other applicable laws relating to the registration of motor vehicles.

(C) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a blackout license plate fee of twenty dollars. The registrar shall deposit both of the following into the state treasury to the credit of the public safety - highway purposes fund created in section 4501.06 of the Revised Code:

(1) The twenty-dollar blackout license plate fee;

(2) The ten-dollar administrative fee, the purpose of which is to compensate the bureau of motor vehicles for additional services required in the issuing of blackout license plates.

Sec. 4503.91. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "choose life" license plates. The application for "choose life" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "choose life" license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed on license plates, "choose life" license plates shall be inscribed with the words "choose life" and a marking designed by "choose life, inc.," a private, nonprofit corporation incorporated in the state of Florida. The registrar shall review the design and approve it if the design is feasible. If the design is not feasible, the registrar shall notify "choose life, inc." and the organization may resubmit designs until a feasible one is approved. "Choose life" license plates shall bear county identification stickers that identify the county of registration as required under section 4503.19 of the Revised Code.

(B) "Choose life" license plates and a validation sticker, or a validation sticker alone, shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of the regular license tax prescribed in section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, any applicable additional fee prescribed by section 4503.40 or 4503.42 of the

Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of "choose life" license plates, and compliance with all other applicable laws relating to the registration of motor vehicles.

(C)(1) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of twenty dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the "choose life" fund created in section ~~3701.65~~ 5180.72 of the Revised Code.

(2) The registrar shall deposit the additional fee of ten dollars specified in division (B) of this section for the purpose of compensating the bureau for the additional services required in issuing "choose life" license plates in the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

Sec. 4505.09. (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) ~~Fifteen~~ Eighteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that

section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is issued or that in which the registrar is notified of a lien or cancellation of a lien.

(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) Thirty-one cents shall be paid into the highway operating fund created by section 5735.051 of the Revised Code.

(c) Fifteen cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the commissioner to conduct a continuing investigation of sales and use tax returns filed for motor vehicles in order to determine if sales and use tax liability has been satisfied. The commissioner shall refer cases of apparent violations of section 2921.13 of the Revised Code made in connection with the titling

or sale of a motor vehicle and cases of any other apparent violations of the sales or use tax law to the appropriate county prosecutor whenever the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar under divisions (A)(1)(a), (b), and (d) of this section and one dollar and fifty cents of the amount received by the registrar under division (A)(1)(c) of this section for each certificate of title shall be paid into the state treasury to the credit of the automated title processing fund, which is hereby created and which shall consist of moneys collected under division (B)(3) of this section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

(a) Except for moneys collected under section 1548.10 of the Revised Code, moneys collected under division (B)(3) of this section shall be used to implement and maintain an automated title processing system for the issuance of motor vehicle, off-highway motorcycle, and all-purpose vehicle certificates of title in the offices of the clerks of the courts of common pleas. Those moneys also shall be used to pay expenses that arise as a result of enabling electronic motor vehicle dealers to directly transfer applications for certificates of title under division (A)(3) of section 4505.06 of the Revised Code.

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division

(A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(5) Three dollars of the amount received by the registrar under division (A)(1)(b) of this section shall be paid into the state treasury to the credit of the security, investigations, and policing fund created by section 4501.11 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The ~~director of budget and management or the director's designee, the~~ chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine each of the following:

(a) The automated title processing equipment and certificates of title requirements for each county;

(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;

(c) The repayment to the counties for existing title processing equipment;

(d) With the approval of the director of public safety, the award of grants from the automated title processing fund to the clerk of courts of any county who employs a person who assists with the design of, updates to, tests of, installation of, or any other activity related to, an automated title processing system. Any grant awarded under division (C)(2)(d) of this section shall be deposited into the appropriate county certificate of title administration fund created under section 325.33 of the Revised Code and shall not be used to supplant any other funds.

(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section.

(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.

Sec. 4506.01. As used in this chapter:

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as

a percentage, it means grams of alcohol per the following:

(1) One hundred milliliters of whole blood, blood serum, or blood plasma;

(2) Two hundred ten liters of breath;

(3) One hundred milliliters of urine.

(B)(1) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. Except as otherwise specifically provided, "commercial driver's license" includes an "enhanced commercial driver's license."

(2) "Enhanced commercial driver's license" means a commercial driver's license issued in accordance with sections ~~4507.021~~ 4506.072 and ~~4506.072~~ 4507.021 of the Revised Code that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.

(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.

(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being

towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(E) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;

(3) Any drug of abuse.

(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(G) "Disqualification" means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

(H) "Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.

(I) "Downgrade" means any of the following, as applicable:

(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in division (A)(1) of section 4506.10 of the Revised Code;

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from

the individual's driver's license;

(4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in division (F)(1) of section 4506.13 of the Revised Code.

(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

(L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.

(M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, harmful intoxicant as defined in section 2925.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

(N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.

(O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.

(P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

(Q) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

(R) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor carrier, as defined in section 4923.01 of the Revised Code.

(S) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of death.

(T) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

(U) "Foreign jurisdiction" means any jurisdiction other than a state.

(V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a

single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

(W) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

(X) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

(Y) "Medical variance" means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.

(Z) "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. 20, except that mobile telephone does not include two-way or citizens band radio services.

(AA) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(BB) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

(CC) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(DD) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

(EE) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of section 4511.01 of the Revised Code.

(FF) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit.

(GG) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar.

(HH) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

(II) "Serious traffic violation" means any of the

following:

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;

(2)(a) Except as provided in division (II)(2)(b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:

(i) Texting while driving;

(ii) Using a handheld mobile telephone.

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;

(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;

(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:

(i) It relates to traffic control, other than a parking violation;

(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.

(JJ) "State" means a state of the United States and

includes the District of Columbia.

(KK) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more. "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of one thousand gallons or more, and is temporarily attached to a flatbed trailer.

(LL) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to division (B) of section 4506.09 of the Revised Code.

(MM) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:

(1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone;

(2) Inputting, selecting, or reading information on a global positioning system or navigation system;

(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.

(NN) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

(OO) "United States" means the fifty states and the District of Columbia.

(PP) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A)(1) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;

(QQ) "Use of a handheld mobile telephone" means:

(1) Using at least one hand to hold a mobile telephone to conduct a voice communication;

(2) Dialing or answering a mobile telephone by pressing more than a single button; or

(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

(RR) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.

Sec. 4506.05. (A) Notwithstanding any other provision of law, a person may drive a commercial motor vehicle on a highway in this state if all of the following conditions are met:

(1) The person has a valid commercial driver's license or commercial driver's license temporary instruction permit issued by any state or jurisdiction in accordance with the minimum standards adopted by the federal motor carrier safety administration under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of commercial driver's licenses;

(2) The person's commercial driver's license or temporary instruction permit is not suspended, revoked, or canceled, and the person has the appropriate endorsements for the vehicle that is being driven;

(3) The person is not disqualified from driving a commercial motor vehicle;

(4) The person is not subject to an out-of-service order;

(5) The person is medically certified as physically qualified to operate a commercial motor vehicle in accordance with this chapter.

(a) A person who submitted a medical examiner's certificate to the registrar in accordance with division (A)(1) of section 4506.10 of the Revised Code and whose medical certification information is maintained in the commercial driver's license information system is not required to have the medical examiner's certificate in the person's possession when on duty.

(b) A person whose medical certification information is not maintained in the commercial driver's license information system shall have in the person's possession when on duty the original or a copy of the current medical examiner's certificate that was submitted to the registrar. However, the person may operate a commercial motor vehicle with such proof of medical certification for not more than fifteen days after the date the current medical examiner's certificate was issued to the person.

(c) A person who has a medical variance shall have in the person's possession the original or copy of the medical variance documentation at all times while on duty.

(6) The person is not prohibited from operating a commercial motor vehicle because the person violated 49 C.F.R. 382, subpart B.

(B) No person shall drive a commercial motor vehicle on a highway in this state if the person does not meet the conditions specified in division (A) of this section.

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 391.62, 391.67, and 391.68, no person holding a commercial driver's license temporary instruction permit or a commercial driver's license issued under this chapter may drive a commercial motor vehicle in interstate commerce until the person is at least twenty-one years of age.

(D)(1) Whoever violates this section is guilty of a misdemeanor of the first degree.

(2) The offenses established under this section are strict liability offenses and section 2901.20 of the Revised Code does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense,

for which there is no specified degree of culpability, is not a strict liability offense.

Sec. 4506.07. (A) An applicant for a commercial driver's license, restricted commercial driver's license, or a commercial driver's license temporary instruction permit, or a duplicate of such a license or permit, shall submit an application upon a form approved and furnished by the registrar of motor vehicles. Except as provided in section 4506.24 of the Revised Code in regard to a restricted commercial driver's license, the applicant shall sign the application which shall contain the following information:

(1) The applicant's name, date of birth, social security account number, sex, general description including height, weight, and color of hair and eyes, current residence, duration of residence in this state, state of domicile, country of citizenship, and occupation;

(2) Whether the applicant previously has been licensed to operate a commercial motor vehicle or any other type of motor vehicle in another state or a foreign jurisdiction and, if so, when, by what state, and whether the license or driving privileges currently are suspended or revoked in any jurisdiction, or the applicant otherwise has been disqualified from operating a commercial motor vehicle, or is subject to an out-of-service order issued under this chapter or any similar law of another state or a foreign jurisdiction and, if so, the date of, locations involved, and reason for the suspension, revocation, disqualification, or out-of-service order;

(3) Whether the applicant has any physical or mental disability or disease that prevents the applicant from exercising reasonable and ordinary control over a motor vehicle

while operating it upon a highway or is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and, if so, the nature and extent of the disability, disease, or condition, and the names and addresses of the physicians attending the applicant;

(4) Whether the applicant has obtained a medical examiner's certificate as required by this chapter and, beginning January 30, 2012, the applicant, prior to or at the time of applying, has self-certified to the registrar the applicable status of the applicant under division (A)(1) of section 4506.10 of the Revised Code;

(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court having jurisdiction of the offense, and the date when the offense occurred;

(6) If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift, which shall be given no consideration in the issuance of a license;

(7) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument;

(8) Whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license;

(9) Whether the applicant currently is prohibited by the federal motor carrier safety administration from operating a commercial motor vehicle because the applicant violated 49 C.F.R. 382, subpart B.

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license or commercial driver's license temporary instruction permit to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the

applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or a renewal or duplicate.

(E) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a commercial driver's license or for a renewal or duplicate of such a license who is a resident of this state, if the applicant is a registered elector who has changed the applicant's residence or name and has not filed such a notice.

(F) In considering any application submitted pursuant to this section, the bureau of motor vehicles may conduct any inquiries necessary to ensure that issuance or renewal of a commercial driver's license would not violate any provision of the Revised Code or federal law.

(G) In addition to any other information it contains, the form approved and furnished by the registrar of motor vehicles for an application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's license temporary instruction permit or an application for a duplicate of such a license or permit shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an

equivalent document in order to qualify to have the license, or permit, or duplicate indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A)(8) of this section.

Sec. 4506.13. (A) The registrar of motor vehicles may authorize the highway patrol or any other employee of the department of public safety to issue an examiner's commercial examinations passed form to an applicant who has passed the required examinations. The examiner's commercial examinations passed form shall be used to indicate the examinations taken and passed by the commercial driver's license applicant.

(B)(1) Before issuing, renewing, transferring, or upgrading a commercial driver's license temporary instruction permit or a commercial driver's license, the registrar of motor vehicles shall obtain information about the applicant's driving record, whether the applicant was previously issued a commercial driver's license in another state, or whether the applicant is disqualified or prohibited from operating a commercial motor vehicle through the commercial driver's license information system, the drug and alcohol clearinghouse, the applicant's state of licensure, and when available, the national driver register. In addition, before initially issuing a class A or class B commercial driver's license, a passenger endorsement, a school bus endorsement, or a hazardous materials endorsement, the registrar shall verify that the applicant completed the training required under 49 C.F.R. 380, subpart F, through the federal motor carrier safety administration's training provider registry. The registrar also shall check the applicant's driver record to ensure that an applicant who self-certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code

that the applicant's operation of a commercial motor vehicle is non-excepted interstate, is medically certified.

(2) The registrar shall not issue, renew, upgrade, or transfer the applicant's commercial driver's license temporary instruction permit or commercial driver's license if any of the following apply:

(a) The registrar obtains adverse information regarding the applicant's driving record.

(b) There is no information regarding the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code.

(c) The applicant's medical status is not certified, when required to be certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code.

(d) The applicant is prohibited from operating a commercial motor vehicle because the applicant violated the drug and alcohol use and testing provisions of 49 C.F.R. 382, subpart B;

(e) If required, the applicant did not successfully complete the training required by 49 C.F.R. 380, subpart F, as documented in the federal motor carrier safety administration's training provider registry.

(3) If the record check reveals information that the applicant claims is outdated, contested, or invalid, the registrar shall deny the application until the applicant can resolve the conflict.

(C) The registrar shall do all of the following:

(1) Within ten days after issuing a commercial driver's

license temporary instruction permit or commercial driver's license, notify the commercial driver's license information system, when available, of that fact and provide all information required to ensure identification of the licensee. If the registrar is notified that driver has been issued a medical variance, the registrar shall indicate the existence of the medical variance on the ~~commercial~~ driver's ~~license holder's~~ commercial driver's license information system driver record.

(2) For those drivers self-certifying under division (A)(1)(a)(i) of section 4506.10 of the Revised Code as non-excepted interstate, post the applicant's medical status as certified or non-certified on the applicant's commercial driver's license information system driver record upon receiving a valid original or copy of the medical examiner's certificate;

(3) Post the driver's self-certification type as set forth in division (A)(1) of section 4506.10 of the Revised Code;

(4) Post information from the medical examiner's certificate, if applicable, on the ~~commercial~~ driver's ~~license holder's~~ commercial driver's license information system driver record within ten calendar days of receipt of the medical examiner's certificate;

(5) Retain the original or a copy of the commercial driver's license temporary instruction permit or commercial driver's license holder's medical certificate for a minimum of three years after the date the certificate was issued;

(6) Post and maintain as part of the commercial driver's license information system driver record all convictions, disqualifications, and other licensing actions for violations of any state or municipal ordinances related to motor vehicle

traffic control, other than parking violations for all persons who hold a commercial driver's license temporary instruction permit or commercial driver's license or operate a motor vehicle for which a commercial driver's license is required;

(7) Post an applicant's status of medically non-certified on the applicant's commercial driver's license information system driver record and downgrade the applicant's commercial driver's license temporary instruction permit or commercial driver's license in accordance with division (D) of this section if either of the following applies:

(a) The commercial driver's license temporary instruction permit or commercial driver's license holder fails to provide the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code.

(b) The commercial driver's license temporary instruction permit or commercial driver's license holder self-certifying under division (A)(1)(a)(i) of section 4506.10 of the Revised Code as non-excepted interstate fails to provide the registrar with a current medical examiner's certificate.

(8) Mark the commercial driver's license information system driver record as non-certified for any commercial driver's license temporary instruction permit or commercial driver's license holder who has not self-certified under division (A)(1) of section 4506.10 of the Revised Code by January 30, 2014 and initiate the ~~commercial driver's license~~ commercial driver's license downgrade procedures described in division (D) of this section;

(9) Within ten days after a commercial driver's license temporary instruction permit or commercial driver's license

holder's medical certification status expires or a medical variance expires or is rescinded, update the person's medical certification status to non-certified;

(10) Within ten calendar days after receiving information from the federal motor carrier safety administration regarding issuance or renewal of a medical variance for a driver, update the driver's commercial driver's license information system driver record to include the medical variance information provided by the federal motor carrier safety administration;

(11) Within ten calendar days after receiving information from the federal motor carrier safety administration that a commercial driver's license temporary instruction permit or commercial driver's license holder is prohibited from operating a commercial motor vehicle because of a violation of the drug and alcohol use and testing provisions of 49 C.F.R. 382, subpart B, initiate the commercial driver's license downgrade procedures described in division (F)(1) of this section;

(12) Within ten calendar days after receiving information from the federal motor carrier safety administration that a commercial driver's license temporary instruction permit or commercial driver's license holder is no longer prohibited or was erroneously identified as prohibited from operating a commercial motor vehicle because of a violation of the drug and alcohol use and testing provisions of 49 C.F.R. 382, subpart B, initiate the reinstatement procedures described in division (F)(2) of this section.

(D) If a driver's medical certification or medical variance expires or the federal motor carrier safety administration notifies the registrar that a medical variance was removed or rescinded, the registrar shall do the following:

(1) Send notice to the commercial driver's license holder of the holder's medically not certified status. The notice shall inform the driver that the driver's commercial driver's license privileges will be removed unless the driver resolves the medical certification or medical variance defect by submitting a current medical certificate or medical variance, as applicable, or changing the driver's self-certification under division (A)(1) of section 4506.10 of the Revised Code to driving only in excepted interstate or excepted intrastate commerce within sixty days.

(2) Sixty days after the change to a medically not certified status, if the commercial driver's license holder has not resolved the medical certification or medical variance defect as described in division (D)(1) of this section, the registrar shall change the person's commercial driver's license status to reflect no commercial driver's license privileges and shall send the person a second notice informing the person that the commercial driver's license privilege has been removed from the driver's license.

(E) To the extent permitted by federal and state law, the registrar shall provide records from the commercial driver's license information system regarding a commercial driver's license holder or commercial motor vehicle operator to the following individuals and entities or their authorized agents within ten days of the receipt of conviction or disqualification information concerning the holder or operator from another state or within ten days of the date of conviction or disqualification of the holder or operator if it occurred in this state, as applicable:

(1) Other states;

(2) The secretary of the United States department of transportation;

(3) The commercial driver's license holder or commercial motor vehicle operator referenced in the records;

(4) A motor carrier that is a current or prospective employer of the commercial driver's license holder or commercial motor vehicle operator referenced in the records.

(F)(1) If the registrar receives information in accordance with division (C)(11) of this section, the registrar shall notify the subject commercial driver's license temporary instruction permit or commercial driver's license holder. The notice shall inform the driver that the driver's commercial driver's license privileges will be downgraded unless the driver resolves the prohibition in accordance with the federal requirements within thirty days. If the driver does not resolve the prohibition within the thirty days, the registrar shall do all of the following:

(a) Downgrade the driver's commercial driver's license temporary instruction permit or commercial driver's license to prohibit the driver from operating a commercial motor vehicle;

(b) Send a second notice to the driver specifying that the driver's license has been downgraded and that the driver is prohibited from operating a commercial motor vehicle until the driver takes the steps necessary to reinstate commercial driver's license privileges;

(c) Record the downgrade on the driver's commercial driver's license information system driver record not later than sixty days after the original notification to the registrar from the federal motor carrier safety administration.

(2) If the registrar receives information in accordance with division (C)(12) of this section, the registrar shall do one of the following, as applicable:

(a) If the registrar receives the information before the registrar has downgraded a driver's commercial driver's license privileges in accordance with division (F)(1) of this section, the registrar shall terminate the downgrade process and notify the applicable driver of the termination;

(b) If the registrar receives the information after the registrar has downgraded a driver's commercial driver's license privileges in accordance with division (F)(1) of this section, the registrar shall reinstate the driver's commercial driver's license, provided that the driver is otherwise eligible for reinstatement and such commercial driving privileges.

(3) If the registrar receives information in accordance with division (C)(12) of this section that the driver was erroneously identified as prohibited from operating a commercial motor vehicle, in addition to the reinstatement procedures under division (F)(2) of this section, the registrar shall remove any record of the downgrade from the driver's commercial driver's license information system driver record and motor vehicle driving record.

Sec. 4506.14. (A) Commercial driver's licenses shall expire as follows:

(1) Except as provided in division (A)(3) or (4) of this section, each such license issued to replace an operator's or chauffeur's license shall expire on the original expiration date of the operator's or chauffeur's license and, upon renewal, shall expire on the licensee's birthday in the fourth or eighth

year after the date of issuance, based on the period of renewal requested by the applicant. A person who is sixty-five years of age or older may only apply for a commercial driver's license that expires on the birthday of the applicant in the fourth year after the date it is issued.

(2)(a) Except as provided in division (A)(3) or (4) of this section, each such license issued as an original license to a person whose residence is in this state shall expire on the licensee's birthday in the fourth or eighth year after the date of issuance, based on the period of renewal requested by the applicant. A person who is sixty-five years of age or older may only apply for a commercial driver's license that expires on the birthday of the applicant in the fourth year after the date it is issued.

(b) Each such license issued to a person whose temporary residence is in this state shall expire in accordance with rules adopted by the registrar of motor vehicles. A license issued to a person with a temporary residence in this state is ~~nonrenewable, but may be replaced with a new license within ninety days prior to its expiration upon the applicant's compliance with all applicable requirements~~a limited term license and may be renewed in accordance with division (C) of this section.

(3) The registrar or a deputy registrar may issue a license that expires on a date earlier than the licensee's birthday in the fourth year after the date of issuance if the licensee has undergone a security threat assessment required by federal law to obtain a hazardous materials endorsement and the assessment will expire before that date. No commercial driver's license shall be issued under division (A)(3) of this section

for a period longer than four years and one hundred eighty days.

(4) Each such license issued to replace the operator's or chauffeur's license of a person who is less than twenty-one years of age, and each such license issued as an original license to a person who is less than twenty-one years of age, shall expire on the licensee's twenty-first birthday.

(B) No commercial driver's license shall be issued for a period longer than eight years. Except as provided in section 4507.12 of the Revised Code, the registrar may waive the examination of any person applying for the renewal of a commercial driver's license issued under this chapter, provided that the applicant presents either an unexpired commercial driver's license or a commercial driver's license that has expired not more than six months prior to the date of application.

~~(C)~~ (C)(1) Subject to the requirements of this chapter and except as provided in division ~~(A)(2)~~ (C)(2) of this section in regard to a person whose temporary residence is in this state, every commercial driver's license shall be renewable one hundred eighty days before its expiration upon payment of the fees required by section 4506.08 of the Revised Code. Each person applying for renewal or transfer of a commercial driver's license shall complete the application form prescribed by section 4506.07 of the Revised Code and shall provide all certifications required.

(2)(a) Except as provided in division (C)(2)(b) of this section, a limited term commercial driver's license shall not be issued to a temporary resident for a period longer than the expiration date of the temporary resident's authorized stay in the United States, or for four years from the date of issuance,

whichever date is earliest.

(b) If there is no expiration date for a temporary resident's authorized stay in the United States, a limited term commercial driver's license shall not be issued to the temporary resident for a period longer than one year from the date of issuance.

(c) A limited term commercial driver's license may be renewed within one hundred eighty days prior to its expiration upon the applicant's presentation of documentation verifying the applicant's legal presence or continued temporary lawful status in the United States.

(3) Prior to applying for renewal of a commercial driver's license, each applicant shall submit a new copy or original medical examiner's certificate required by section 4506.10 of the Revised Code; if the person's medical status has changed, the registrar shall take the appropriate action to address the change in medical status. If the person wishes to retain an endorsement authorizing the person to transport hazardous materials, the person shall take and successfully complete the written test for the endorsement and shall submit to any background check required by federal law.

(D) Each person licensed as a driver under this chapter shall notify the registrar of any change in the person's address within ten days following that change. The notification shall be in writing on a form provided by the registrar and shall include the full name, date of birth, license number, county of residence, social security number, and new address of the person.

(E) Whoever violates division (D) of this section is

guilty of a minor misdemeanor.

Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years six months of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the highways under the following conditions:

(1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:

(a) The permit and identification card are in the holder's immediate possession;

(b) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;

(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(2) If the permit is issued to a person who is at least sixteen years of age:

(a) The permit and identification card are in the holder's immediate possession;

(b) The holder is accompanied by a licensed operator who is at least twenty-one years of age, is actually occupying a seat beside the driver, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;

(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(B) The registrar or a deputy registrar, upon receiving from any person an application for a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle, motor-driven cycle or motor scooter, or motorized bicycle, may issue such a permit and identification card entitling the applicant, while having the permit and identification card in the applicant's immediate possession, to drive a motorcycle or motor-driven cycle or motor scooter, under the restrictions prescribed in section 4511.53 of the Revised Code, or to drive a motorized bicycle under restrictions determined by the registrar. A temporary instruction permit and temporary instruction permit identification card to operate a motorized bicycle may be issued to a person fourteen or fifteen years old.

(C) Any permit and identification card issued under this section shall be issued in the same manner as a driver's license, upon a form to be furnished by the registrar. A temporary instruction permit to drive a motor vehicle other than a commercial motor vehicle shall be valid for a period of one

year.

(D) Any person having in the person's possession a valid and current driver's license or motorcycle operator's license or endorsement issued to the person by another jurisdiction recognized by this state is exempt from obtaining a temporary instruction permit for a driver's license and from submitting to the examination for a temporary instruction permit and the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state if the person does all of the following:

(1) Submits to and passes vision screening as provided in section 4507.12 of the Revised Code;

(2) Surrenders to the registrar or deputy registrar the person's driver's license issued by the other jurisdiction; and

(3) Complies with all other applicable requirements for issuance by this state of a driver's license, driver's license with a motorcycle operator's endorsement, or restricted license to operate a motorcycle.

If the person does not comply with all the requirements of this division, the person shall submit to the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state in order to obtain such a license or endorsement.

(E) The registrar may adopt rules governing the use of temporary instruction permits and temporary instruction permit identification cards.

(F)(1) No holder of a permit issued under division (A) of this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of

vehicular travel or parking in violation of the conditions established under division (A) of this section.

(2) Except as provided in division (F)(2) of this section, no holder of a permit that is issued under division (A) of this section and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under division (A) of this section on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code.

~~(G)(1) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (A) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the~~

~~requirement in that division has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.~~

~~(2)~~ (G) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (F)(2) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(H) As used in this section:

(1) "Eligible adult" means any of the following:

(a) An instructor of a driver training course approved by the department of public safety;

(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:

(i) A parent, guardian, or custodian of the permit holder;

(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.

(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.

Sec. 4507.061. (A) The registrar of motor vehicles may authorize the online renewal of a driver's license, commercial

driver's license, or identification card issued by the bureau of motor vehicles for eligible applicants. An applicant is eligible for online renewal if all of the following apply:

(1) The applicant's current driver's license, commercial driver's license, or identification card was processed in person at a deputy registrar office.

(2) The applicant has a photo on file with the bureau of motor vehicles from the applicant's current driver's license, commercial driver's license, or identification card.

(3) The applicant's current driver's license, commercial driver's license, or identification card expires on the birthday of the applicant in the fourth year after the date it was issued.

(4) The applicant is applying for a driver's license, commercial driver's license, or identification card that expires on the birthday of the applicant in the fourth year after the date it is issued.

(5) The applicant's current driver's license, commercial driver's license, or identification card is unexpired or expired not more than six months prior to the date of the application.

(6) The applicant is a citizen or a permanent resident of the United States and a permanent resident of this state.

(7) The applicant's current driver's license, commercial driver's license, or identification card was ~~issue~~ issued when the applicant was twenty-one years of age or older.

(8) If the applicant is renewing a driver's license or commercial driver's license, the applicant is less than sixty-five years of age.

(9) The applicant's current driver's license, commercial driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commercial driver's license, or identification card.

(10) The applicant has no changes to the applicant's name or personal information, other than a change of address.

(11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commercial driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications.

(12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements.

(13) For a commercial driver's license, the applicant is not under any restriction specified by any federal regulation.

(B) An applicant may not submit an application online for any of the following:

(1) A temporary instruction permit;

(2) A commercial driver's license temporary instruction permit;

(3) An initial issuance of an Ohio driver's license, commercial driver's license, or identification card;

(4) An initial issuance of a federally compliant driver's license, commercial driver's license, or identification card;

(5) An initial issuance of an enhanced driver's license, enhanced commercial driver's license, or enhanced identification card;

(6) An ignition interlock license;

(7) A limited term driver's license or ~~nonrenewable~~ limited term commercial driver's license issued to a temporary resident.

(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.

(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, commercial driver's license, or identification card in order to renew a driver's license, commercial driver's license, or identification card under this section.

(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section.

Sec. 4507.071. (A) The registrar of motor vehicles or any deputy registrar shall not issue a driver's license to any person under eighteen years of age, except that the registrar or a deputy registrar may issue a probationary license to a person who is at least sixteen years of age and has held a temporary instruction permit for a period of at least six months.

(B)(1)(a) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property

used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.

(b) No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

(2)(a) Subject to division (D)(1) of this section, division (B)(1)(a) of this section does not apply to the holder of a probationary driver's license who is doing ~~either~~ any of the following:

(i) Traveling to or from work between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer~~.~~;

(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;

(iii) Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(b) Division (B)(1)(b) of this section does not apply to the holder of a probationary driver's license who is doing—

~~either~~ any of the following:

(i) Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer~~.~~;

(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;

(iii) Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(3) An employer, school official, or official affiliated with a religious event is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in division (B)(2) of this section.

The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in division (B)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet

the requirements of that division.

(4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(C) It is an affirmative defense to a violation of division (B)(1)(a) or (b) of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of division (B)(1)(a) or (b) of this section or the holder was an emancipated minor.

(D)(1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.

(2) Any person who is subject to the operating restrictions established under division (D)(1) of this section

as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that division. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.

(3) No person shall violate any operating restriction imposed under division (D)(1) or (2) of this section.

(E) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(F) A restricted license may be issued to a person who is fourteen or fifteen years of age upon proof of hardship satisfactory to the registrar of motor vehicles.

(G) ~~Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining~~

~~device as required by division (E) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that division has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.~~

~~(H)~~ Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (B)(1)(a) or (b) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

~~(I)~~ (H) As used in this section:

(1) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.

(2) "Family member" of a probationary license holder includes any of the following:

(a) A spouse;

(b) A child or stepchild;

(c) A parent, stepparent, grandparent, or parent-in-law;

(d) An aunt or uncle;

(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;

(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary

license holder;

(g) An eligible adult, as defined in section 4507.05 of the Revised Code.

(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

~~(J)~~ (I) Whoever violates division (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.

Sec. 4507.08. (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program.

(B) No temporary instruction permit or driver's license shall be issued to any person whose license has been suspended, during the period for which the license was suspended, nor to any person whose license has been canceled, under Chapter 4510.

or any other provision of the Revised Code.

(C) No temporary instruction permit or driver's license shall be issued to any person whose commercial driver's license is suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension.

No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who has alcoholism, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program;

(3) Any person who, in the opinion of the registrar, has a physical or mental disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways,

except that a restricted license ~~effective for six months~~ may be issued to any person otherwise qualified who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. A restricted license ~~effective for six months~~ shall be issued to any person who otherwise is qualified and who is subject to any condition that causes episodic impairment of consciousness or a loss of muscular control if the person presents a statement from a licensed physician that the person's condition is under effective medical control and the period of time for which the control has been continuously maintained, unless, thereafter, a medical examination is ordered and, pursuant thereto, cause for denial is found.

A person to whom a ~~six-month~~ restricted license has been issued shall give notice of the person's medical condition to the registrar on forms provided by the registrar and signed by the licensee's physician at intervals required by the registrar. The ~~notice shall be sent to the~~ registrar ~~six months after the issuance of the license. Subsequent restricted licenses issued to the same individual~~ shall ~~be effective for six months~~determine the validity period of the restricted license.

(4) Any person who is unable to understand highway warnings or traffic signs or directions given in the English language;

(5) Any person making an application whose driver's license or driving privileges are under cancellation, revocation, or suspension in the jurisdiction where issued or

any other jurisdiction, until the expiration of one year after the license was canceled or revoked or until the period of suspension ends. Any person whose application is denied under this division may file a petition in the municipal court or county court in whose jurisdiction the person resides agreeing to pay the cost of the proceedings and alleging that the conduct involved in the offense that resulted in suspension, cancellation, or revocation in the foreign jurisdiction would not have resulted in a suspension, cancellation, or revocation had the offense occurred in this state. If the petition is granted, the petitioner shall notify the registrar by a certified copy of the court's findings and a license shall not be denied under this division.

(6) Any person who is under a class one or two suspension imposed for a violation of section 2903.01, 2903.02, 2903.04, 2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised Code or whose driver's or commercial driver's license or permit was permanently revoked prior to January 1, 2004, for a substantially equivalent violation pursuant to section 4507.16 of the Revised Code;

(7) Any person who is not a resident or temporary resident of this state.

(E) No person whose driver's license or permit has been suspended under Chapter 4510. of the Revised Code or any other provision of the Revised Code shall have driving privileges reinstated if the registrar determines that a warrant has been issued in this state or any other state for the person's arrest and that warrant is an active warrant.

Sec. 4507.09. (A)(1) Except as provided in division (B) of this section, every driver's license issued to a resident of

this state expires on the birthday of the applicant in the fourth or eighth year after the date it is issued, based on the period of renewal requested by the applicant. A resident who is sixty-five years of age or older may only apply for a driver's license that expires on the birthday of the applicant in the fourth year after the date it is issued. In no event shall any license be issued for a period longer than eight years and ninety days.

Subject to the requirements of section 4507.12 of the Revised Code, every driver's license issued to a resident is renewable at any time prior to its expiration.

(2) A driver's license issued to a temporary resident shall expire in accordance with rules adopted by the registrar of motor vehicles. A driver's license issued to a temporary resident is a limited term license, but may be renewed within ninety days prior to its expiration in accordance with division (E) of this section.

(3) No refund shall be made or credit given for the unexpired portion of the driver's license that is renewed. The registrar shall notify each person whose driver's license has expired within forty-five days after the date of expiration. Notification shall be made by regular mail sent to the person's last known address as shown in the records of the bureau of motor vehicles. Failure to provide such notification shall not be construed as a renewal or extension of any license.

(4) For the purposes of this section, the date of birth of any applicant born on the twenty-ninth day of February shall be deemed to be the first day of March in any year in which there is no twenty-ninth day of February.

(B) Every driver's license or renewal of a driver's license issued to a resident applicant who is sixteen years of age or older, but less than twenty-one years of age, expires on the twenty-first birthday of the applicant, except that an applicant who applies no more than thirty days before the applicant's twenty-first birthday shall be issued a license in accordance with division (A) of this section.

(C) Each person licensed as a driver under this chapter shall notify the registrar of any change in the person's address within ten days following that change. The notification shall be in writing on a form provided by the registrar and shall include the full name, date of birth, license number, county of residence, social security number, and new address of the person.

(D) No driver's license shall be renewed when renewal is prohibited by division (A) of section 4507.091 of the Revised Code.

(E)(1) Except as provided in division (E)(2) of this section, a limited term license shall not be issued to a temporary resident for a period longer than the expiration date of the temporary resident's authorized stay in the United States, or for four years from the date of issuance, whichever date is earliest.

(2) If there is no expiration date for a temporary resident's authorized stay in the United States, a limited term license shall not be issued to the temporary resident for a period longer than one year from the date of issuance.

(3) A limited term license may be renewed within ninety days prior to its expiration upon the applicant's presentation

of documentation verifying the applicant's legal presence or continued temporary lawful status in the United States.

~~(3) A limited term license is not transferable, and the applicant may not rely on it to obtain a driver's license in another state.~~

(4) In accordance with Chapter 119. of the Revised Code, the registrar shall adopt rules governing limited term licenses for temporary residents.

Sec. 4507.40. (A) As used in this section, "Ohio credential" means a temporary instruction permit identification card, driver's license, commercial driver's license, motorcycle operator's license, motorized bicycle license, or identification card issued by the Ohio bureau of motor vehicles.

(B) Any valid holder of an Ohio credential issued after July 2, 2018, may apply online to obtain an exact reprint of that Ohio credential. Not more than one hundred eighty days after~~ the effective date of this section~~ April 12, 2021, the registrar of motor vehicles shall make the reprint application process available through electronic means on the bureau of motor vehicle's web site. A reprint of an Ohio credential shall be available only through the online process.

(C) An applicant may obtain not more than ~~one reprint~~ two reprints between the initial issuance and renewal of an Ohio credential or between renewals of an Ohio credential. A reprint shall be an exact copy of the last-issued Ohio credential that it replaces. A reprint expires on the same date as the Ohio credential it replaces.

(D) The applicant shall do all of the following in the application:

(1) Certify that the current Ohio credential is lost, destroyed, or mutilated;

(2) Provide identifying information, as required by the registrar, in order to confirm the applicant's identity;

(3) Include with the application a financial transaction device number to pay the applicable fees for the reprint of the Ohio credential, and a service fee equal to the amount established under section 4503.038 of the Revised Code.

(E) Upon receipt of a completed application, the registrar shall issue a reprint Ohio credential to the applicant, if the applicant is eligible for the reprint. If the applicant does not qualify for a reprint, the registrar shall notify the applicant why the application was denied.

(F) The fees that are collected from a person who applies for a reprint of an Ohio credential shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

Sec. 4507.41. (A) "Ohio credential" has the same meaning as in section 4507.40 of the Revised Code.

(B) A valid holder of an Ohio credential may apply to receive an Ohio credential in an expedited manner. In addition to other applicable fees and taxes, a valid holder of an Ohio credential shall pay a one-hundred-dollar administrative fee plus applicable mailing costs to compensate the registrar of motor vehicles for additional services required in issuing an expedited Ohio credential. The registrar of motor vehicles shall determine the applicable mailing costs and the manner by which the Ohio credential is mailed. An expedited Ohio credential is available for any Ohio credential and includes online renewal

under section 4507.061 of the Revised Code and reprints under section 4507.40 of the Revised Code.

(C) The administrative fee and mailing costs charged pursuant to division (B) of this section shall be deposited into the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

(D) The registrar of motor vehicles may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in any rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 4507.53. Digitalized photographic records of the department of public safety may be released only to the following:

(A) State, local, or federal governmental agencies for criminal justice purposes;

(B) Any court;

(C) The American association of motor vehicle administrators to allow state department of motor vehicles participating in the association's state-to-state verification services and digital image access and exchange program to use the photographic records for identity verification purposes;

(D) The department of job and family services or the unemployment compensation review commission for the purpose of carrying out the department's or commission's functions under Chapter 4141. of the Revised Code.

Sec. 4508.023. (A) As used in this section, "school"

includes the following:

(1) A city, local, exempted village, and joint vocational school district;

(2) A community school established under Chapter 3314. of the Revised Code;

(3) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;

(4) A chartered nonpublic school;

(5) An educational service center, on behalf of a school or district.

(B) The driver training in schools grant program is created in the department of public safety. The director of public safety shall administer the grant program as follows:

(1) The director shall distribute grants to schools to implement, administer, or provide driver training courses approved by the director under section 4507.21 of the Revised Code.

(2) A school is eligible to receive a grant regardless of whether either of the following applies:

(a) The school develops and provides its own driver training course in accordance with section 4507.21 of the Revised Code.

(b) The school contracts with a private third party to develop and provide a driver training course on the behalf of the school in accordance with section 4507.21 of the Revised Code.

(C) The director of public safety may adopt rules in

accordance with Chapter 119. of the Revised Code to implement and administer this section.

Sec. 4509.101. (A)(1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be subject to the following civil penalties:

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class (F) suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person, but only if the person presents proof of financial responsibility and is enrolled in a reinstatement fee payment plan pursuant to section 4510.10 of the Revised Code.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5)

of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving privileges for the first thirty days of the suspension.

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the

existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, delivers the license or certificate of registration and license plates to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) Except as provided in division (L) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates

impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of forty dollars for the first violation of division (A)(1) of this section, three hundred dollars for a second violation of that division, and six hundred dollars for a third or subsequent violation of that division;

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee

to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been suspended or is under an order of suspension; the serial number of the person's license; the serial numbers of the person's certificate of registration and license plates; and the person's social security account number, if assigned, or, where the motor vehicle is used for hire or principally in connection with any established business, the person's federal taxpayer identification number. The information shall be recorded in such a manner that it becomes a part of the person's permanent

record, and assists the registrar in monitoring compliance with the orders of suspension or impoundment.

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ~~ten~~ fifteen days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under

this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle inspection, or accident that resulted in the order against the person. A determination may be made without a hearing. This division does not apply unless the person shows good cause for the person's failure to present satisfactory proof of financial responsibility to the registrar prior to the issuance of the order.

(D)(1)(a) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar.

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate of registration, and license plates, and return them to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The

peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.

(4)(a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the registrar, the clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the maintenance of financial responsibility pursuant to division (D)(3) of this section.

(b) If a person who has failed to produce proof of the maintenance of financial responsibility also fails to submit that proof to the traffic violations bureau with payment of a fine and costs for the ticketed violation, the traffic violations bureau, in a manner prescribed by the registrar, shall notify the registrar of the identity of that person.

(5)(a) Upon receiving notice from a clerk of courts or traffic violations bureau pursuant to division (D)(4) of this section, the registrar shall order the suspension of the license of the person required under division (A)(2)(a), (b), or (c) of this section and the impoundment of the person's certificate of registration and license plates required under division (A)(2)(d) of this section, effective thirty days after the date of the

mailing of notification. The registrar also shall notify the person that the person must present the registrar with proof of financial responsibility in accordance with this section, surrender to the registrar the person's certificate of registration, license plates, and license, or submit a statement subject to section 2921.13 of the Revised Code that the person did not operate or permit the operation of the motor vehicle at the time of the offense. Notification shall be in writing and shall be sent to the person at the person's last known address as shown on the records of the bureau of motor vehicles. The person, within fifteen days after the date of the mailing of notification, shall present proof of financial responsibility, surrender the certificate of registration, license plates, and license to the registrar in a manner set forth in division (A)(4) of this section, or submit the statement required under this section together with other information the person considers appropriate.

If the registrar does not receive proof or the person does not surrender the certificate of registration, license plates, and license, in accordance with this division, the registrar shall permit the order for the suspension of the license of the person and the impoundment of the person's certificate of registration and license plates to take effect.

(b) In the case of a person who presents, within the fifteen-day period, proof of financial responsibility, the registrar shall terminate the order of suspension and the impoundment of the registration and license plates required under division (A)(2)(d) of this section and shall send written notification to the person, at the person's last known address as shown on the records of the bureau.

(c) Any person adversely affected by the order of the registrar under division (D)(5)(a) or (b) of this section, within ~~ten~~ fifteen days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether, at the time of the hearing, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption in accordance with this section or any rule adopted under it. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person, the hearing may be held remotely by electronic means. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment under division (D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D)(2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial

responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

(8) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

(9) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section.

Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A)(5)(a) of this section or receives from a deputy registrar under division (A)(5)(d) of this section, the registrar shall deposit ten dollars of each forty-dollar reinstatement fee, fifty dollars of each

three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section.

(G)(1)(a) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

(i) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;

(ii) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;

(iii) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;

(iv) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;

(v) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;

(vi) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(b) A person also may present proof of financial responsibility under this section to the traffic violations bureau, court, registrar, or peace officer through use of an electronic wireless communications device as specified under section 4509.103 of the Revised Code.

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility and the generation and delivery of proof of financial responsibility

to an electronic wireless communications device that is displayed on the device as text or images does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility or the generation and delivery of proof of financial responsibility to an electronic wireless communications device.

(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document or displayed on an electronic wireless communications device accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A)(2) of this section.

(H) In order for any document or display of text or images

on an electronic wireless communications device described in division (G)(1) of this section to be used for the demonstration of proof of financial responsibility under this section, the document or words or images shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.

(I) For purposes of this section, "owner" does not include a licensed motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code, but does include a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code. Nothing in this section or in section 4509.51 of the Revised Code shall be construed to prohibit a motor vehicle renting dealer from entering into a contractual agreement with a person whereby the person renting the motor vehicle agrees to be solely responsible for maintaining proof of financial responsibility, in accordance with this section, with respect to the operation, maintenance, or use of the motor vehicle during the period of the motor vehicle's rental.

(J) The purpose of this section is to require the maintenance of proof of financial responsibility with respect to the operation of motor vehicles on the highways of this state, so as to minimize those situations in which persons are not compensated for injuries and damages sustained in motor vehicle accidents. The general assembly finds that this section contains reasonable civil penalties and procedures for achieving this purpose.

(K) Nothing in this section shall be construed to be

subject to section 4509.78 of the Revised Code.

(L)(1) The registrar may terminate any suspension imposed under this section and not require the owner to comply with divisions (A)(5)(a), (b), and (c) of this section if the registrar with or without a hearing determines that the owner of the vehicle has established by clear and convincing evidence that all of the following apply:

(a) The owner customarily maintains proof of financial responsibility.

(b) Proof of financial responsibility was not in effect for the vehicle on the date in question for one of the following reasons:

(i) The vehicle was inoperable.

(ii) The vehicle is operated only seasonally, and the date in question was outside the season of operation.

(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver.

(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with

Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an employee or official of a traffic violations bureau, or the court, the person assumes the risk of any resulting damage to the device unless the registrar, peace officer, employee, or official, or court personnel purposely, knowingly, or recklessly commits an action that results in damage to the device.

Sec. 4510.01. As used in this title and in Title XXIX of the Revised Code:

(A) "Cancel" or "cancellation" means the annulment or termination by the bureau of motor vehicles of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege because it was obtained unlawfully, issued in error, altered, or

willfully destroyed, or because the holder no longer is entitled to the license, permit, or privilege.

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code.

(C) "Ignition interlock device" means a device approved by the director of public safety that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any person attempting to start that motor vehicle by using its ignition system, and that deters starting the motor vehicle by use of its ignition system unless the person attempting to start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a preset level.

(D) "Immobilizing or disabling device" means a device approved by the director of public safety that may be ordered by a court to be used by an offender as a condition of limited driving privileges. "Immobilizing or disabling device" includes an ignition interlock device, and any prototype device that is used according to protocols designed to ensure efficient and effective monitoring of limited driving privileges granted by a court to an offender.

(E) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size

or load limitations, vehicle fitness requirements, or vehicle registration.

(F) "Municipal OVI ordinance" and "municipal OVI offense" have the same meanings as in section 4511.181 of the Revised Code.

(G) "Preset level" means the set point established by the national highway traffic safety administration's model specifications for breath alcohol ignition interlock devices for the analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the person's breath.

(H) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the director of public safety.

~~(H)~~ (I) "Suspend" or "suspension" means the permanent or temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension.

~~(I)~~ (J) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code.

Sec. 4510.022. (A) As used in this section:

(1) "First-time offender" means a person whose driver's license or commercial driver's license or permit or nonresident operating privilege has been suspended for being convicted of, or pleading guilty to, an OVI offense under any of the

following:

(a) Division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code;

(b) Section 4510.07 of the Revised Code for a municipal OVI offense when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code;

(c) Division (B) or (D) of section 4510.17 of the Revised Code when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code.

(2) "OVI offense" means a violation of section 4511.19 of the Revised Code or a violation of a substantially similar municipal ordinance or law of another state or the United States.

(3) "Unlimited driving privileges" means driving privileges that are unrestricted as to purpose, time, and place, but that are subject to any other reasonable conditions imposed by a court under division (C)(2) of this section.

(B) A first-time offender may file a petition for unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed for an OVI offense in the same manner and in the same venue as the person is permitted to apply for limited driving privileges.

(C)(1) With regard to a first-time offender, in any circumstance in which a court is authorized to grant limited driving privileges under section 4510.021, 4510.13, or 4510.17 of the Revised Code during the period of suspension, as applicable, the court may instead grant unlimited driving privileges with a certified ignition interlock device. No court

shall grant unlimited driving privileges with a certified ignition interlock device during any period, or under any circumstance, that the court is prohibited from granting limited driving privileges.

(2) All of the following apply when a court grants unlimited driving privileges with a certified ignition interlock device to a first-time offender:

(a) The court shall issue an order authorizing the first-time offender to operate a motor vehicle only if the vehicle is equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code. The order may include any reasonable conditions other than conditions that restrict the driving privileges in terms of purpose, time, or place.

The court shall provide to the first-time offender a copy of the order and a notice that the first-time offender is subject to the sanctions specified in division (E) of this section.

The court also shall submit a copy of the order to the registrar of motor vehicles.

(b) The court may reduce the period of suspension imposed by the court by an amount of time not greater than half the period of suspension.

(c) The court shall suspend any jail term imposed for the OVI offense. The court shall retain jurisdiction over the first-time offender until the expiration of the period of suspension imposed for the OVI offense and, if the offender violates any term or condition of the order during the period of suspension, the court shall require the first-time offender to serve the

jail term.

(D)(1) A first-time offender shall present to the registrar or to a deputy registrar an order issued under this section and a certificate affirming the installation of a certified ignition interlock device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall ~~have printed on its face~~ include a statement and code indicating that the offender is prohibited from operating any motor vehicle that is not equipped with a certified ignition interlock device.

(2)(a) No person who has been granted unlimited driving privileges with a certified ignition interlock device under this section shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code.

(b) The offense established under division (D)(2)(a) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(E) If a first-time offender has been granted unlimited driving privileges with a certified ignition interlock device under this section and the first-time offender either commits an

ignition interlock device violation as defined under section 4510.46 of the Revised Code or the first-time offender operates a motor vehicle that is not equipped with a certified ignition interlock device, the following applies:

(1) On a first violation, the court may require the first-time offender to wear a monitor that provides continuous alcohol monitoring that is remote.

(2) On a second violation, the court shall require the first-time offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days.

(3) On a third or subsequent violation, the court shall require the first-time offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(4) With regard to any instance, the judge may increase the period of suspension and the period during which the first-time offender must drive a motor vehicle equipped with a certified ignition interlock device in the same manner as provided in division (A)(8)(c) of section 4510.13 of the Revised Code. The limitation under division (E) of section 4510.46 of the Revised Code applies to an increase under division (E)(4) of this section.

(5) If the instance occurred within sixty days of the end of the suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege and the court does not increase the period of the suspension under division (E)(4) of this section, the court shall proceed as follows:

(a) Issue an order extending the period of suspension and

the period of time during which the first-time offender must drive a vehicle equipped with a certified ignition interlock device so that the suspension terminates sixty days from the date the offender committed that violation.

(b) For each violation subsequent to a violation for which an extension was ordered under division (E)(5)(a) of this section, issue an order extending the period of suspension and the period of time during which the first-time offender must drive a vehicle equipped with a certified ignition interlock device so that the suspension terminates sixty days from the date the offender committed that violation.

The registrar of motor vehicles is prohibited from reinstating a first-time offender's license unless the applicable period of suspension has been served and no ignition interlock device violations have been committed within the sixty days prior to the application for reinstatement.

(F) With respect to an order issued under this section, the judge shall impose an additional court cost of two dollars and fifty cents upon the first-time offender. The judge shall not waive this payment unless the judge determines that the first-time offender is indigent and waives the payment of all court costs imposed upon the indigent first-time offender. The clerk of court shall transmit one hundred per cent of this mandatory court cost collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the public safety - highway purposes fund created under section 4501.06 of the Revised Code. The department of public safety shall use the amounts collected to cover costs associated with maintaining the habitual OVI/OMWI offender registry created under section 5502.10 of the Revised Code.

A judge may impose an additional court cost of two dollars and fifty cents upon the first-time offender. The clerk of court shall retain this discretionary two dollar and fifty cent court cost, if imposed. The clerk shall deposit it in the court's special projects fund that is established under division (E)(1) of section 2303.201, division (B)(1) of section 1901.26, or division (B)(1) of section 1907.24 of the Revised Code.

Sec. 4510.13. (A)(1) Divisions (A)(2) to (9) of this section apply to a judge or mayor regarding the suspension of, or the grant of limited driving privileges during a suspension of, an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance.

(2) No judge or mayor shall suspend the following portions of the suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A)(2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code against any time of judicial suspension imposed pursuant to section 4511.19 or 4510.07 of the Revised Code, as described in divisions (B)(2) and (C)(2) of section 4511.191 of the Revised Code:

(a) The first six months of a suspension imposed under

division (G)(1)(a) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;

(b) The first year of a suspension imposed under division (G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;

(c) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;

(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code.

(3) Except as provided under division (A)(5) of this section, no judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction if the offender, within the preceding ten years, has been convicted of or pleaded guilty to three or more violations of an equivalent offense, as defined in section 4511.181 of the Revised Code.

Additionally, except as provided under division (A)(6) of this section, no judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's

license or permit or nonresident operating privilege has been suspended under division (B) of section 4511.191 of the Revised Code if the offender, within the preceding ten years, has refused three previous requests to consent to a chemical test of the person's whole blood, blood serum or plasma, breath, or urine to determine its alcohol content.

(4) No judge or mayor shall grant limited driving privileges for employment as a driver of commercial motor vehicles to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction if the offender is disqualified from operating a commercial motor vehicle, or whose license or permit has been suspended, under section 3123.58 or 4506.16 of the Revised Code.

(5) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance during any of the following periods of time:

(a)(i) Except as otherwise provided in this division and in division (A)(5)(a)(ii) of this section, the first fifteen days of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a

suspension imposed under division (C)(1)(a) of section 4511.191 of the Revised Code. On or after the sixteenth day of the suspension, the court may grant limited driving privileges, but the court may require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code.

The court may waive the fifteen-day period and grant limited driving privileges immediately if the offender has never been convicted of or pleaded guilty to a violation of section 4511.194 of the Revised Code and the offender submitted to any chemical test requested by law enforcement at the time of the offender's arrest for the current underlying violation.

(ii) If the offender has, within ten years of the current offense, been convicted of or pleaded guilty to a violation of section 4511.194 of the Revised Code, the first forty-five days of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a suspension imposed under division (C)(1)(a) of section 4511.191 of the Revised Code. On or after the forty-sixth day of the suspension, the court may grant limited driving privileges, but the court shall require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code.

(b) The first forty-five days of a suspension imposed under division (C)(1)(b) of section 4511.191 of the Revised Code. On or after the forty-sixth day of suspension, the court may grant limited driving privileges, and either of the

following applies:

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(c) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code.

(d) The first one hundred eighty days of a suspension imposed under division (C)(1)(c) of section 4511.191 of the Revised Code. On or after the one hundred eighty-first day of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(e) The first forty-five days of a suspension imposed under division (G)(1)(b) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code. On or after the forty-sixth day of the suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

If a court grants limited driving privileges under division (A)(5)(e) of this section, the court may issue an order terminating an immobilization order issued pursuant to division (G)(1)(b)(v) of section 4511.19 of the Revised Code to take

effect concurrently with the granting of limited driving privileges. The court shall send notice of the termination of the immobilization order to the registrar of motor vehicles.

Upon receiving information that an offender violated any condition imposed by the court at the time an immobilization order was terminated under this section, the court may hold a hearing and, in its discretion, issue an order reinstating the immobilization order for the balance of the immobilization period that remained when the court originally ordered the termination of the immobilization order. The court may issue the order only upon a showing of good cause that the offender violated any condition imposed by the court. The court shall send notice of the reinstatement of the immobilization order to the registrar.

(f) The first one hundred eighty days of a suspension imposed under division (G)(1)(c) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code. On or after the one hundred eighty-first day of the suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall

not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(g) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a suspension imposed under division (C)(1)(d) of section 4511.191 of the Revised Code. On or after the first three years of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(6) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of section 4511.191 of the Revised Code during any of the following periods of time:

(a)(i) Except as otherwise provided in division (A)(6)(a)

(ii) of this section, the first thirty days of suspension imposed under division (B)(1)(a) of section 4511.191 of the Revised Code. On or after the thirty-first day of the suspension, the court may grant limited driving privileges, but the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the offender has, within ten years of the current offense, been convicted of or pleaded guilty to a violation of section 4511.194 of the Revised Code, the first ninety days of a suspension imposed under division (B)(1)(a) of section 4511.191 of the Revised Code. On or after the ninety-first day of the suspension, the court may grant limited driving privileges, but the court shall require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code.

(b) The first ninety days of suspension imposed under division (B)(1)(b) of section 4511.191 of the Revised Code. On or after the ninety-first day of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(c) The first year of suspension imposed under division (B)(1)(c) of section 4511.191 of the Revised Code. After the first year of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(d) The first three years of suspension imposed under division (B)(1)(d) of section 4511.191 of the Revised Code. After the first three years of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying arrest is alcohol-related, the court

shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(7) In any case in which a judge or mayor grants limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, under division (G)(1)(a) or (b) of section 4511.19 of the Revised Code for a violation of division (A)(1)(f), (g), (h), or (i) of that section, or under section 4510.07 of the Revised Code for a municipal OVI conviction for which sentence would have been imposed under division (G)(1)(a)(ii) or (G)(1)(b)(ii) or (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code had the offender been charged with and convicted of a violation of section 4511.19 of the Revised Code instead of a violation of the municipal OVI ordinance, the judge or mayor shall impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section.

(8) In any case in which an offender is required by a court under this section to operate a motor vehicle that is equipped with a certified ignition interlock device and either the offender commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or the offender operates a motor vehicle that is not equipped with a certified ignition interlock device, the following applies:

(a) If the offender was sentenced under division (G)(1)(a) or (b) or division (H) of section 4511.19 of the Revised Code, on a first instance the court may require the offender to wear a monitor that provides continuous alcohol monitoring that is remote. On a second instance, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days. On a third instance or more, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(b) If the offender was sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, on a first instance the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days. On a second instance or more, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(c) The court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any

limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two. The limitation under division (E) of section 4510.46 of the Revised Code applies to an increase under division (A)(8)(c) of this section.

(d) If the violation occurred within sixty days of the end of the suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege and the court does not impose an increase in the period of the suspension under division (A)(8)(c) of this section, the court shall proceed as follows:

(i) Issue an order extending the period of suspension and the grant of limited driving privileges with a required certified ignition interlock device so that the suspension terminates sixty days from the date the offender committed that violation.

(ii) For each violation subsequent to a violation for which an extension was ordered under division (A)(8)(d)(i) of this section, issue an order extending the period of suspension and the grant of limited driving privileges with a required certified ignition interlock device so that the suspension terminates sixty days from the date the offender committed that violation.

The registrar of motor vehicles is prohibited from reinstating an offender's license unless the applicable period of suspension has been served and no ignition interlock device violations have been committed within the sixty days prior to the application for reinstatement.

(9) At the time the court issues an order under this

section requiring an offender to use an ignition interlock device, the court shall provide notice to the offender of each action the court is authorized or required to take under division (A)(8) of this section if the offender ~~circumvents or tampers with the device or in any case in which~~ commits an ignition interlock device violation and the court receives notice pursuant to section 4510.46 of the Revised Code ~~that a device prevented an offender from starting a motor vehicle~~.

(10) In any case in which the court issues an order under this section prohibiting an offender from exercising limited driving privileges unless the vehicles the offender operates are equipped with an immobilizing or disabling device, including a certified ignition interlock device, or requires an offender to wear a monitor that provides continuous alcohol monitoring that is remote, the court shall impose an additional court cost of two dollars and fifty cents upon the offender. The court shall not waive the payment of the two dollars and fifty cents unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. The clerk of court shall transmit one hundred per cent of this mandatory court cost collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the public safety - highway purposes fund created under section 4501.06 of the Revised Code, to be used by the department of public safety to cover costs associated with maintaining the habitual OVI/OMWI offender registry created under section 5502.10 of the Revised Code. In its discretion the court may impose an additional court cost of two dollars and fifty cents upon the offender. The clerk of court shall retain this discretionary two dollar and fifty cent court cost, if imposed, and shall deposit it in the court's

special projects fund that is established under division (E)(1) of section 2303.201, division (B)(1) of section 1901.26, or division (B)(1) of section 1907.24 of the Revised Code.

(B) Any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 4511.19 or 4511.191 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance may file a petition for limited driving privileges during the suspension. The person shall file the petition in the court that has jurisdiction over the place of arrest. Subject to division (A) of this section, the court may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed. However, the court shall not grant the privileges for employment as a driver of a commercial motor vehicle to any person who is disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code or during any of the periods prescribed by division (A) of this section.

(C)(1) After a driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 2903.06, 2903.08, 2903.11, 2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any provision of Chapter 2925. of the Revised Code, or section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, the judge of the court or mayor of the mayor's court that suspended the license, permit, or privilege shall cause the offender to deliver to the court the license or permit. The judge, mayor, or clerk of the court or mayor's court shall forward to the registrar the license or permit together with notice of the action of the court.

(2) A suspension of a commercial driver's license under any section or chapter identified in division (C)(1) of this section shall be concurrent with any period of suspension or disqualification under section 3123.58 or 4506.16 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under any section or chapter identified in division (C)(1) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(3) No judge or mayor shall suspend any class one suspension, or any portion of any class one suspension, imposed under section 2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No judge or mayor shall suspend the first thirty days of any class two, class three, class four, class five, or class six suspension imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2929.02 of the Revised Code.

(D) The judge of the court or mayor of the mayor's court shall credit any time during which an offender was subject to an administrative suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.191 or 4511.192 of the Revised Code or a suspension imposed by a judge, referee, or mayor pursuant to division (B)(1) or (2) of section 4511.196 of the Revised Code against the time to be served under a related suspension imposed pursuant to any section or chapter identified in division (C)(1) of this section.

(E) The judge or mayor shall notify the bureau of motor vehicles of any determinations made pursuant to this section and of any suspension imposed pursuant to any section or chapter identified in division (C)(1) of this section.

(F)(1) If a court issues an order under this section granting limited driving privileges and requiring an offender to use an immobilizing or disabling device, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with such a device, except as provided in division (C) of section 4510.43 of the Revised Code. The court shall provide the offender with a copy of the order for purposes of obtaining a restricted license and shall submit a copy of the order to the registrar of motor vehicles.

(2) An offender shall present to the registrar or to a deputy registrar the copy of an immobilizing or disabling device order issued under this section and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall ~~have printed on its face~~ include a statement and a code indicating that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

(3)(a) No person who has been granted limited driving privileges subject to an immobilizing or disabling device order under this section shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code.

(b) The offense established under division (F)(3)(a) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

Sec. 4510.17. (A) The registrar of motor vehicles shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or any federal statute that is substantially similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code, provided that the person's license, permit, or privilege is required to be suspended had the offense occurred in this state. Upon receipt of a report from a court, court clerk, or other official of any other state or from any federal authority that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension will take effect twenty-one days from the date of the notice, and that, if the person wishes

to appeal the suspension or denial, the person must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the person requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the person actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the person's nonresident operating privilege imposed by the state or federal court, whichever is earlier.

The registrar shall subscribe to or otherwise participate in any information system or register, or enter into reciprocal and mutual agreements with other states and federal authorities, in order to facilitate the exchange of information with other states and the United States government regarding persons who plead guilty to or are convicted of offenses described in this division and therefore are subject to the suspension or denial described in this division.

(B) The registrar shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or

a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4510.61 of the Revised Code indicating that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the suspension, the person must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the person requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the person actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the person's nonresident operating privilege imposed by the state or federal court, whichever is earlier.

(C) The registrar shall impose a class D suspension of the child's driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any child who is a resident of this state

and is convicted of or pleads guilty to a violation of a statute of any other state or any federal statute that is substantially similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code, provided the child's license, permit, or privilege is required to be suspended had the offense occurred in this state. Upon receipt of a report from a court, court clerk, or other official of any other state or from any federal authority that a child who is a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the child, at the child's last known address as shown in the records of the bureau of motor vehicles, informing the child of the suspension, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the child wishes to appeal the suspension, the child must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the child requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the child actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the child's nonresident operating privilege imposed by the state or federal court, whichever is earlier. If the child is a resident of this

state who is sixteen years of age or older and does not have a current, valid Ohio driver's or commercial driver's license or permit, the notice shall inform the child that the child will be denied issuance of a driver's or commercial driver's license or permit for six months beginning on the date of the notice. If the child has not attained the age of sixteen years on the date of the notice, the notice shall inform the child that the period of denial of six months shall commence on the date the child attains the age of sixteen years.

The registrar shall subscribe to or otherwise participate in any information system or register, or enter into reciprocal and mutual agreements with other states and federal authorities, in order to facilitate the exchange of information with other states and the United States government regarding children who are residents of this state and plead guilty to or are convicted of offenses described in this division and therefore are subject to the suspension or denial described in this division.

(D) The registrar shall impose a class D suspension of the child's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any child who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4510.61 of the Revised Code indicating that a child who is a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the child, at

the child's last known address as shown in the records of the bureau of motor vehicles, informing the child of the suspension, that the suspension will take effect twenty-one days from the date of the notice, and that, if the child wishes to appeal the suspension, the child must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the child requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the child actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the child's nonresident operating privilege imposed by the state or federal court, whichever is earlier. If the child is a resident of this state who is sixteen years of age or older and does not have a current, valid Ohio driver's or commercial driver's license or permit, the notice shall inform the child that the child will be denied issuance of a driver's or commercial driver's license or permit for six months beginning on the date of the notice. If the child has not attained the age of sixteen years on the date of the notice, the notice shall inform the child that the period of denial of six months shall commence on the date the child attains the age of sixteen years.

(E)(1) Any person whose license or permit has been suspended pursuant to this section may file a petition in the municipal or county court, or in case the person is under

eighteen years of age, the juvenile court, in whose jurisdiction the person resides, requesting limited driving privileges and agreeing to pay the cost of the proceedings. Except as provided in division (E)(2) or (3) of this section, the judge may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed for any of the purposes set forth in division (A) of section 4510.021 of the Revised Code.

(2) No judge shall grant limited driving privileges for employment as a driver of a commercial motor vehicle to any person who would be disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code if the violation had occurred in this state.

(3) No judge shall grant limited driving privileges during any of the following periods of time:

(a) The first fifteen days of a suspension under division (B) or (D) of this section, if the person has not been convicted within ten years of the date of the offense giving rise to the suspension under this section of a violation of any of the following:

(i) Division (A) of section 4511.19 of the Revised Code, or a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(ii) A municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(iii) Section 2903.04 of the Revised Code in a case in

which the person was subject to the sanctions described in division (D) of that section;

(iv) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;

(v) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or as it existed prior to March 23, 2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

(b) The first forty-five days of a suspension under division (B) or (D) of this section, if the person has been convicted one time within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E)(3)(a) of this section.

(c) The first one hundred eighty days of a suspension under division (B) or (D) of this section, if the person has been convicted two times within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E)(3)(a) of this section.

(d) The first three years of a suspension under division (B) or (D) of this section, if the person has been convicted three or more times within ten years of the date of the offense giving rise to a suspension under division (B) or (D) of this section of any violation identified in division (E)(3)(a) of this section.

(4) In accordance with section 4510.022 of the Revised

Code, a person may petition for, and a judge may grant, unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed under division (B) or (D) of this section to a person described in division (E)(3)(a) of this section.

(5) If a person petitions for limited driving privileges under division (E)(1) of this section or unlimited driving privileges with a certified ignition interlock device as provided in division (E)(4) of this section, the registrar shall be represented by the county prosecutor of the county in which the person resides if the petition is filed in a juvenile court or county court, except that if the person resides within a city or village that is located within the jurisdiction of the county in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the registrar. If the petition is filed in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code.

(6)(a) In issuing an order granting limited driving privileges under division (E)(1) of this section, the court may impose any condition it considers reasonable and necessary to limit the use of a vehicle by the person. The court shall deliver to the person a copy of the order setting forth the time, place, and other conditions limiting the person's use of a motor vehicle. Unless division (E)(6)(b) of this section applies, the grant of limited driving privileges shall be conditioned upon the person's having the order in the person's possession at all times during which the person is operating a vehicle.

(b) If, under the order, the court requires the use of an

immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall ~~have printed on its face~~ include a statement and code indicating that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

(7)(a) Unless division (E)(7)(b) applies, a person granted limited driving privileges who operates a vehicle for other than limited purposes, in violation of any condition imposed by the court or without having the order in the person's possession, is guilty of a violation of section 4510.11 of the Revised Code.

(b) No person who has been granted limited or unlimited driving privileges under division (E) of this section subject to an immobilizing or disabling device order shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code.

(c) The offenses established under division (E)(7) of this section are strict liability offenses and section 2901.20 of the Revised Code does not apply.

(F) The provisions of division (A)(8) of section 4510.13 of the Revised Code apply to a person who has been granted limited or unlimited driving privileges with a certified ignition interlock device under this section and who either commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or operates a motor vehicle that is not equipped with a certified ignition interlock device.

(G) Any person whose license or permit has been suspended under division (A) or (C) of this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, requesting the termination of the suspension and agreeing to pay the cost of the proceedings. If the court, in its discretion, determines that a termination of the suspension is appropriate, the court shall issue an order to the registrar to terminate the suspension. Upon receiving such an order, the registrar shall reinstate the license.

(H) As used in divisions (C) and (D) of this section:

(1) "Child" means a person who is under the age of eighteen years, except that any person who violates a statute or ordinance described in division (C) or (D) of this section prior to attaining eighteen years of age shall be deemed a "child" irrespective of the person's age at the time the complaint or other equivalent document is filed in the other state or a hearing, trial, or other proceeding is held in the other state on the complaint or other equivalent document, and irrespective of the person's age when the period of license suspension or

denial prescribed in division (C) or (D) of this section is imposed.

(2) "Is convicted of or pleads guilty to" means, as it relates to a child who is a resident of this state, that in a proceeding conducted in a state or federal court located in another state for a violation of a statute or ordinance described in division (C) or (D) of this section, the result of the proceeding is any of the following:

(a) Under the laws that govern the proceedings of the court, the child is adjudicated to be or admits to being a delinquent child or a juvenile traffic offender for a violation described in division (C) or (D) of this section that would be a crime if committed by an adult;

(b) Under the laws that govern the proceedings of the court, the child is convicted of or pleads guilty to a violation described in division (C) or (D) of this section;

(c) Under the laws that govern the proceedings of the court, irrespective of the terminology utilized in those laws, the result of the court's proceedings is the functional equivalent of division (H)(2)(a) or (b) of this section.

Sec. 4510.46. (A) As used in this section:

(1) "Offender" means a person who has been granted limited or unlimited driving privileges by a court of this state subject to the condition that the person operate only a vehicle with a certified ignition interlock device under section 4510.021, 4510.022, or 4510.13 of the Revised Code.

(2) "Ignition interlock device violation" means that a certified ignition interlock device indicates ~~that it has prevented an offender from starting a motor vehicle because of~~

~~either~~ any of the following:

(a) The device was tampered with or circumvented;

(b) The analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started;

(c) The analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration above the preset level during operation of the vehicle but after the ignition interlock device permitted the motor vehicle to be started;

(d) The offender failed to provide a deep-lung breath sample or other method employed by the ignition interlock device to measure concentration by weight of alcohol in the offender's breath in the amount of time required by the ignition interlock device during operation of the vehicle but after the ignition interlock device permitted the motor vehicle to be started.

(B) The manufacturer of a certified ignition interlock device shall monitor each device that is produced by that manufacturer and that has been installed in a motor vehicle for an offender. The manufacturer also shall inform the court and the registrar of motor vehicles, as soon as practicable, whenever an ignition interlock device violation has occurred.

(C) Upon receipt of information pertaining to an offender under division (B) of this section, the court shall send a

notice to the offender stating all of the following:

(1) That it has received evidence of an ignition interlock device violation;

(2) If applicable, that because of this violation the offender is required to wear a monitor that provides for continuous alcohol monitoring in accordance with division (E) of section 4510.022, division (A)(8) of section 4510.13, or division (F) of section 4510.17 of the Revised Code;

(3) That because of this violation the court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any limited or unlimited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two;

(4) Whether the court is imposing the increases under division (C)(3) of this section;

(5) If the violation occurred within sixty days of the end of the suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege and the court is not imposing an increase in the period of the suspension under division (C)(3) of this section, that the court is increasing the offender's suspension by sixty days as provided in division (E)(5) of section 4510.022, division (A)(8)(d) of section 4510.13, or division (F) of section 4510.17 of the Revised Code;

(6) That the offender may file an appeal of any increase

imposed under division (C)(4) or (5) of this section with the court within fourteen days of receiving the notice;

(7) That the registrar of motor vehicles is prohibited from reinstating the offender's license unless the period of suspension has been served and no ignition interlock device violations have been committed within the sixty days prior to the application for reinstatement.

(D) Any motion that is filed under division (C)(6) of this section within the fourteen-day period shall be considered to be filed in a timely manner, and any such motion that is filed after that fourteen-day period shall be considered not to be filed in a timely manner. If the offender files a timely motion, the court may hold a hearing on the matter. The scope of the hearing is limited to determining whether the offender in fact was prevented from starting a motor vehicle that is equipped with a certified ignition interlock device because the offender committed an ignition interlock device violation.

If the court finds by a preponderance of the evidence that the violation did occur, it may deny the offender's appeal. If the court finds by a preponderance of the evidence that the violation did not occur, it shall grant the offender's appeal and shall issue an order terminating the increase of the offender's suspension.

(E) In no case shall any period of suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege that is increased by a factor of two under division (C)(3) of this section or any period of time during which the offender is prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified

ignition interlock device that is increased by a factor of two under division (C)(3) of this section exceed the maximum period of time for which the court originally was authorized to suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege under division (G)(1)(a), (b), (c), (d), or (e) of section 4511.19 of the Revised Code. This division does not apply when a suspension is increased under division (C)(5) of this section.

(F) Nothing in this section shall be construed as prohibiting the court from revoking an individual's driving privileges.

Sec. 4511.043. (A)(1) No law enforcement officer who stops the operator of a motor vehicle in the course of an authorized sobriety or other motor vehicle checkpoint operation or a motor vehicle safety inspection shall issue a ticket, citation, or summons for a secondary traffic offense unless in the course of the checkpoint operation or safety inspection the officer first determines that an offense other than a secondary traffic offense has occurred and either places the operator or a vehicle occupant under arrest or issues a ticket, citation, or summons to the operator or a vehicle occupant for an offense other than a secondary offense.

(2) A law enforcement agency that operates a motor vehicle checkpoint for an express purpose related to a secondary traffic offense shall not issue a ticket, citation, or summons for any secondary traffic offense at such a checkpoint, but may use such a checkpoint operation to conduct a public awareness campaign and distribute information.

(B) As used in this section, "secondary traffic offense" means a violation of division ~~(A) or~~ (F)(2) of section 4507.05,

division (B)(1)(a) or (b) ~~or (E)~~ of section 4507.071, ~~division (C) or (D) of section 4511.81,~~ or division (A)(3) of section 4513.03~~, or division (B) of section 4513.263~~ of the Revised Code.

Sec. 4511.202. (A) No person shall operate a motor vehicle, trackless trolley, streetcar, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, trolley, streetcar, agricultural tractor, or unit of farm machinery.

(B) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

Sec. 4511.81. (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code or a vehicle that is regulated under section 5104.015 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public

safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(E) ~~Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.~~

~~(F)~~ The director of public safety shall adopt such rules as are necessary to carry out this section.

~~(G)~~ (F) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as

evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

~~(H)~~ (G) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

~~(I)~~ (H) There is hereby created in the state treasury the child highway safety fund, consisting of fines imposed pursuant to division ~~(L)(1)~~ (K)(1) of this section for violations of divisions (A), (B), (C), and (D) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section 3727.081 of the Revised Code and to

establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.

~~(J)~~ (I) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

~~(K)~~ (J) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

~~(L)(1)~~ (K)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same

location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division ~~(L)(1)(b)~~ (K)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division ~~(L)(1)~~ (K)(1) of this section shall be forwarded to the treasurer of state for deposit in the child highway safety fund created by division ~~(I)~~ (H) of this section.

Sec. 4511.991. (A) As used in this section and each section referenced in division (B) of this section, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

(a) Using an electronic wireless communications device, as defined in section 4511.204 of the Revised Code, in violation of that section;

(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both

ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.

(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.

As used in division (A)(3) of this section:

(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.

(b) "Utility service vehicle" means a vehicle owned or operated by a utility.

(B) If an offender violates section 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.202, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised Code while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding section 2929.28 of the Revised Code, is subject to an additional fine of not more than one hundred dollars as follows:

(1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation, or summons for a

violation of any of the aforementioned sections of the Revised Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation, or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars.

In lieu of payment of the additional fine of one hundred dollars, the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the director of public safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars, so long as the offender submits to the court both the offender's payment in full and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under division (B) of this section.

(2) If the offender appears in person to contest the ticket, citation, or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars.

If the court imposes upon the offender the applicable

penalty for the violation and an additional fine of not more than one hundred dollars, the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars, the offender instead may elect to attend the distracted driving safety course described in division (B)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars, so long as the offender submits to the court the offender's payment and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under division (B) of this section.

(C) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of any of the sections of the Revised Code listed in division (B) of this section that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the officer shall do both of the following:

(1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(2) Ensure that such report indicates the offender's race.

Sec. 4513.263. (A) As used in this section~~ and in section 4513.99 of the Revised Code~~:

(1) "Automobile" means any commercial tractor, passenger

car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation ~~pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392~~and the national highway traffic safety administration.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons.

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C)(1) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device or booster seat.

(2) Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

(3) Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed

to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states the following:

(a) That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

(b) Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;

(c) If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.

(4) Divisions (B)(1) and (3) of this section do not apply to a person who has registered with the registrar of motor vehicles in accordance with division (C)(5) of this section.

(5) A person who has received an affidavit under division (C)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the registrar attesting to that fact. Upon such registration, the registrar shall make that information available in the law enforcement automated data system. A person included in the database under division (C)(5) of this section is not required to have the affidavit obtained in accordance with division (C)(3) of this section in their possession while operating or occupying an automobile.

(6) A physician or chiropractor who issues an affidavit for the purposes of division (C)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device

unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton, or reckless misconduct.

(7) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a process for a person to be included in the database under division (C)(5) of this section. The information provided and included in the database under division (C)(5) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

(D) ~~Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.~~

~~(E)~~ (1) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit into the state treasury to the credit of the trauma and emergency medical services fund, which is hereby created. ~~In addition, the~~

(2) The trauma and emergency medical services fund shall also consist of all of the following which shall be deposited into the fund:

(a) The portion of the driver's license reinstatement fee described in division (F)(2)(g) of section 4511.191 of the Revised Code~~, plus all~~ ;

(b) All fees collected under section 4765.11 of the Revised Code~~, plus all~~ ;

(c) All fines imposed under section 4765.55 of the Revised Code~~, plus the~~ ;

(d) The fees and other moneys specified in section 4766.05 of the Revised Code~~, and plus five~~ ;

(e) Five per cent of fines and moneys arising from bail forfeitures as directed by section 5503.04 of the Revised Code~~, also shall be deposited into the trauma and emergency medical services fund~~. ~~All~~

(3) All money deposited into the trauma and emergency medical services fund shall be used by the department of public safety for the administration and operation of the division of emergency medical services and the state board of emergency medical, fire, and transportation services, and by the state board of emergency medical, fire, and transportation services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code. ~~The~~

(4) The director of budget and management may transfer excess money from the trauma and emergency medical services fund to the public safety - highway purposes fund established in section 4501.06 of the Revised Code if the director of public

safety determines that the amount of money in the trauma and emergency medical services fund exceeds the amount required to cover such costs incurred by the emergency medical services agency and the grants made by the state board of emergency medical, fire, and transportation services and requests the director of budget and management to make the transfer.

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(1) or (3) of this section or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(2) of this section shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But, the trier of fact may determine based on evidence admitted consistent with the Ohio Rules of Evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in section 2307.011 of the Revised Code, in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of

the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the occupant.

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

~~(G)(1)~~ (F)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.

Sec. 4513.35. (A) All fines collected under sections

4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code shall be paid into the county treasury and, with the exception of that portion distributed under section 307.515 of the Revised Code, shall be placed to the credit of the fund for the maintenance and repair of the highways within that county, except that:

(1) All fines for violations of division (B) of section 4513.263 shall be delivered to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

(2) All fines collected from, or moneys arising from bonds forfeited by, persons apprehended or arrested by state highway patrol troopers shall be distributed as provided in section 5503.04 of the Revised Code.

(3)(a) Subject to division (E) of section 4513.263 of the Revised Code and except as otherwise provided in division (A)(3)(b) of this section, one-half of all fines collected from, and one-half of all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer shall be paid to the township treasury to be placed to the credit of the general fund.

(b) All fines collected from, and all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer pursuant to division (B)(2) or (C) of section 4513.39 of the Revised Code for a violation of section 4511.21 of the Revised Code or any other law, ordinance, or regulation pertaining to speed that occurred on a highway that is part of the interstate system or otherwise part of the national highway system, shall be paid into the county treasury and be credited as provided in the

first paragraph of this section.

(B) Notwithstanding any other provision of this section or of any other section of the Revised Code:

(1) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(1) or (2) of section 2935.03 of the Revised Code are deemed to be collected, and to arise, from arrests made within the jurisdiction in which the arresting officer is appointed, elected, or employed, for violations of one of the sections or chapters of the Revised Code listed in division (E)(1) of that section and shall be distributed accordingly.

(2) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(3) of section 2935.03 of the Revised Code are deemed to be collected, and to arise, from arrests made within the jurisdiction in which the arresting officer is appointed, elected, or employed, for violations of municipal ordinances that are substantially equivalent to one of the sections or one of the provisions of one of the chapters of the Revised Code listed in division (E)(1) of that section and for violations of one of the sections or one of the provisions of one of the chapters of the Revised Code listed in division (E)(1) of that section, and shall be distributed accordingly.

Sec. 4519.59. (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) ~~Fifteen~~ Eighteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, authorization to print a non-negotiable evidence of ownership described in division (D) of

section 4519.58 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (E) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(b) Five dollars for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes. The clerk shall retain two dollars and twenty-five cents of that fee.

(c) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is forwarded or that in which the registrar is notified of a lien or cancellation of a lien.

(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title that is issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes

fund established in section 4501.06 of the Revised Code.

(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund created in section 4505.09 of the Revised Code, for use as described in division (B)(2)(a) of that section.

(b) Twenty-one cents shall be paid into the highway operating fund.

(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund created in section 4505.09 of the Revised Code, for use as described in division (B)(2)(c) of that section.

(3) Two dollars of the amount received by the registrar for each certificate of title shall be paid into the state treasury to the credit of the automated title processing fund created in section 4505.09 of the Revised Code, for use as described in divisions (B)(3)(a) and (c) of that section.

(4) Three dollars of the amount received by the registrar under division (A)(1)(a) of this section shall be paid into the state treasury to the credit of the security, investigations, and policing fund created by section 4501.11 of the Revised Code.

Sec. 4701.03. (A) The accountancy board annually shall elect a president, secretary, and treasurer from its members. The board may adopt and amend rules for the orderly conduct of its affairs and for the administration of this chapter. The board may adopt and amend rules defining the practice of public accounting, rules of professional conduct appropriate to

establish and maintain a high standard of integrity and dignity in registrants and certificate holders under this chapter, and rules regulating the sole proprietorship, partnership, limited liability company, professional association, corporation-for-profit, or other legal entity practice of public accounting. A majority of the board shall constitute a quorum for the transaction of business.

(B) The board shall keep and hold open for public inspection all records of its proceedings.

(C) The board may employ any clerks that are necessary to assist it in the performance of its duties and the keeping of its records. If the board employs an executive director, the board shall pay the executive director in accordance with the schedules created under section 124.152 of the Revised Code.

Sec. 4701.13. The accountancy board shall publish and maintain a publicly available and searchable electronic register. The register shall contain the names, license numbers, license types, license status, and disciplinary history for any actions taken under section 4701.16 of the Revised Code of all certified public accountants and public accountants holding licenses issued under this chapter as of the date the register is accessed. The register is subject to section 4798.10 of the Revised Code.

Sec. 4703.11. The architects board shall keep an official register of all said certificates of qualification to practice architecture issued and of the renewals of the same as provided in sections 4703.01 to 4703.19 of the Revised Code, which register shall be properly indexed and shall be open for public inspection and information. The register is subject to section 4798.10 of the Revised Code.

Sec. 4713.07. (A) The state cosmetology and barber board shall do all of the following:

(1) Regulate the practice of cosmetology and all of its branches in this state;

(2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or Chapter 4709. of the Revised Code or any rule adopted under either chapter, the activities or premises of a license holder or unlicensed individual;

(3) Adopt rules in accordance with section 4713.08 of the Revised Code;

(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;

(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;

(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code;

(7) Submit a written report annually to the governor that provides all of the following:

(a) A discussion of the conditions in this state of the practice of barbering, cosmetology, and the branches of cosmetology;

(b) An evaluation of board activities intended to aid or protect consumers;

(c) A brief summary of the board's proceedings during the year the report covers;

(d) A statement of all money that the board received and expended during the year the report covers.

(8) Keep a record of all of the following:

(a) The board's proceedings;

(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter or Chapter 4709. of the Revised Code;

(c) The date and number of each license, permit, and registration that the board issues.

(9) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons, barber shops, or other facilities within this state;

(10) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code. In the absence of bad faith, any individual who

reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor licensed under this chapter or Chapter 4709. of the Revised Code shall be added to the board's records as an individual salon or barber shop.

(11) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person authorized to operate a salon, school, tanning facility, or other type of facility under this chapter;

(12) All other duties that this chapter imposes on the board.

(B) The board may do either of the following:

(1) Report to the proper prosecuting officer violations of section 4709.02 or 4713.14 of the Revised Code;

(2) Delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director.

(C) The record kept pursuant to division (A)(8)(b) of this section is subject to section 4798.10 of the Revised Code.

Sec. 4715.08. The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists, and a register of licenses by it revoked. The register is subject to section 4798.10 of the Revised Code. At reasonable times, its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety days after each examination. A transcript of an entry in such records, certified

by the secretary under the seal of the board, shall be evidence of the facts therein stated._

Sec. 4715.42. (A)(1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has been surrendered or allowed to expire with the intention of ceasing to practice as a dentist or dental hygienist for remuneration.

(B) Within thirty days after receiving an application for a volunteer's certificate that includes all of the items listed in divisions (C)(1), (2), and (3) of this section, the state dental board shall issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide dental services to indigent and uninsured persons at any location, including a free clinic.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree from dental college or dental hygiene school.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.

(b) A copy of the applicant's most recent license equivalent to a license to practice dentistry or dental hygiene in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) The applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.

(b) The applicant has practiced as a dentist or dental hygienist in good standing for at least ten years prior to retirement in one or more branches of the United States armed services.

(D) The holder of a volunteer's certificate may provide dental services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing dental services while in possession of the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.

(E)(1) A volunteer's certificate shall be valid for a period of three years, and may be renewed upon the application of the holder, unless the certificate was previously revoked under division (D) of this section. The board shall maintain a register of all persons who hold volunteer's certificates. The

register is subject to section 4798.10 of the Revised Code. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.

(2) To be eligible for renewal of a volunteer's certificate, the holder of the certificate shall certify to the board completion of sixty hours of continuing dental education that meets the requirements of section 4715.141 of the Revised Code and the rules adopted under that section, or completion of eighteen hours of continuing dental hygiene education that meets the requirements of section 4715.25 of the Revised Code and the rules adopted under that section, as the case may be. The board may not renew a certificate if the holder has not complied with the appropriate continuing education requirements. Any entity for which the holder provides dental services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education credits.

(3) The board shall issue to each person who qualifies under this section for a volunteer's certificate a wallet certificate and a wall certificate that state that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services and shall display the wall certificate prominently at the location where the holder primarily practices.

(4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code.

(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.

(G) The state dental board shall make available through the board's web site the application form for a volunteer's certificate under this section, a description of the application process, and a list of all items that are required by division (C) of this section to be submitted with the application.

(H) Chapter 4796. of the Revised Code does not apply to a license issued under this section.

Sec. 4723.28. (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) Except as provided in section 4723.092 of the Revised Code, the board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a

health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;

(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;

(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;

(6) Conviction of, a plea of guilty to, a judicial finding

of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;

(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;

(9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;

(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;

(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;

(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.

(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;

(16) Violation of this chapter or any rules adopted under it;

(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;

(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;

(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;

(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;

(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;

(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;

(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;

(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(25) Failure to comply with the terms and conditions of participation in the safe haven program conducted under sections 4723.35 and 4723.351 of the Revised Code;

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(27) In the case of an advanced practice registered nurse:

(a) Engaging in activities that exceed those permitted for

the nurse's nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.

(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;

(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;

(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;

(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(38) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute grounds for discipline if a court of competent jurisdiction has

issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence at issue.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this

section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action;

otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division (D)(2) of section 2953.32 or division (F)(1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case shall be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.

The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe

that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care.

The board shall not compel an individual who has been referred to the safe haven program as described in sections 4723.35 and 4723.351 of the Revised Code to submit to a mental or physical examination.

Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of either a licensed health care professional, including a registered nurse, licensed practical nurse, or dialysis technician, or a person who may have engaged in the unauthorized practice of nursing or dialysis care. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section

2305.252 of the Revised Code.

(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under this section shall be conducted in a manner that maintains the individual's confidentiality. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of a licensee or certificate holder.

(J) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the person may be reinstated to practice.

(K) When the board refuses to grant a license or certificate to an applicant, revokes a license or certificate, or refuses to reinstate a license or certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a license or certificate of the type that was refused or revoked and the board shall not accept from the individual an application for reinstatement of the license or certificate or for a new license or certificate.

(L) No unilateral surrender of a nursing license or dialysis technician certificate issued under this chapter shall be effective unless accepted by majority vote of the board. No application for a nursing license or dialysis technician certificate issued under this chapter may be withdrawn without a majority vote of the board. The board's jurisdiction to take

disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

(M) Sanctions shall not be imposed under division (B)(24) of this section against any licensee who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4723.483. (A)(1) Subject to division (A)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the board of nursing, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may do either of the following without having examined an individual to whom epinephrine may be administered:

(a) Personally furnish a supply of epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code;

(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143,

3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code.

(2) An epinephrine autoinjector personally furnished or prescribed under division (A)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(B) A nurse who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4723.4811. (A)(1) Subject to division (A)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the board of nursing, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner licensed as an advanced practice registered nurse under Chapter 4723. of the Revised Code may do either of the following without having examined an individual to whom glucagon may be administered:

(a) Personally furnish a supply of injectable or nasally administered glucagon for use in accordance with sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 5180.262 of the Revised Code;

(b) Issue a prescription for injectable or nasally administered glucagon for use in accordance with sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 5180.262 of the Revised Code.

(2) Injectable or nasally administered glucagon personally

furnished or prescribed under division (A)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(B) A nurse who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4723.653. (A) A person who holds a current, valid certificate as a medication aide shall be known as a "certified medication aide" or "CMA." The board of nursing shall establish and maintain a registry of certified medication aides and make the registry available on its internet web site. The registry is subject to section 4798.10 of the Revised Code.

(B) No person shall engage in the administration of medication as a medication aide, represent the person as being a certified medication aide, or use the title, "medication aide," or any other title implying that the person is a certified medication aide, for a fee, salary, or other compensation, or as a volunteer, without holding a current, valid certificate as a medication aide under this chapter.

(C) No person shall employ a person not certified as a medication aide under this chapter to engage in the administration of medication as a medication aide.

Sec. 4723.89. (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who advocates for, and provides continuous physical, emotional, and informational support to, a pregnant woman through the delivery

of a child and immediately after the delivery, including during any of the following periods:

(a) The antepartum period;

(b) The intrapartum period;

(c) The postpartum period.

(2) "Doula certification organization" means an organization that is recognized, at an international, national, state, or local level, for training and certifying doulas.

(B) Beginning on October 3, 2024, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.

(C) The board of nursing shall seek and consider the opinion of the doula advisory group established in section 4723.90 of the Revised Code when an individual is seeking to be eligible for medicaid reimbursement as a certified doula.

(D) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:

(1) Requirements for certification as a doula, including both of the following:

(a) A requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;

(b) A requirement that the results of a criminal records check conducted in accordance with section 4723.091 of the

Revised Code demonstrate that the applicant is not ineligible for certification in accordance with section 4723.092 of the Revised Code.

(2) Requirements for renewal of a certificate and continuing education;

(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;

(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding three hundred per cent of the federal poverty line;

(5) Requirements and standards of practice for certified doulas;

(6) The amount of a fine to be imposed under division (F) of this section;

(7) Any other standards or procedures the board considers necessary to implement this section.

(E) The board of nursing shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board. The registry is subject to section 4798.10 of the Revised Code.

(F) In an adjudication under Chapter 119. of the Revised Code, the board of nursing may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid.

Sec. 4725.07. The state vision professionals board shall adopt a seal and certificate of suitable design and shall keep a record of its proceedings, a register of every individual holding a certificate of licensure, license, registration, or endorsement issued under this chapter, and a register of every individual whose certificate of licensure, license, registration, or endorsement has been revoked under this chapter.

The board shall have an office in Franklin county, where all its permanent records shall be kept. On request of the board, the director of administrative services shall supply the board with office space and supplies, including stationery and furniture. All printing and binding necessary for the work of the board shall be done upon an order issued by the board through its president and executive director to the department of administrative services. A register kept by the board under this section is subject to section 4798.10 of the Revised Code.

Except as provided in this chapter, the records of the board, including its registers, shall be open to public inspection at all reasonable times. A copy of an entry in such records, certified by the executive director under the seal of the board, shall be prima-facie evidence of the facts therein stated.

The board annually, on or before the first day of February, shall make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, and a complete report of the conditions of optometry and optical dispensing in this state. The board shall submit its first report to the governor not later than February 1, 2019. The board shall submit its reports to the governor

electronically.

Sec. 4729.01. As used in this chapter:

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.

(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;

(3) Compounding drugs;

(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;

(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;

(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;

(8) Acting pursuant to a consult agreement, if an agreement has been established;

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;

(3) As an incident to research, teaching activities, or chemical analysis;

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:

(a) At the time the request is made, the drug is not

commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.

(b) A limited quantity of the drug is compounded and provided to the professional.

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 4723.4810, 4729.282,

4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user;

(3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and ~~5101.76~~ 5180.26 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;

(4) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code;

(5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and ~~5101.78~~ 5180.262 of the Revised Code, a written, electronic, or oral order for injectable or nasally administered glucagon in the name of a school, school district, or camp.

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid

license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse;

(3) A certified registered nurse anesthetist who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under sections 4723.43 and 4723.434 of the Revised Code;

(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;

(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form;

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a

statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.

(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.

(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a

dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T)(1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.

(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or

medical condition.

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the

federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

Sec. 4729.06. The state board of pharmacy shall keep a record of its proceedings and a register of all licenses and registrations that have been granted, together with each renewal and suspension or revocation of a license or registration. The books and registers of the board shall be prima-facie evidence of the matters therein recorded. The books and registers may be in electronic format. A register maintained by the board under this section is subject to section 4798.10 of the Revised Code.

The president and executive director of the board may administer oaths.

A statement signed by the executive director to which is affixed the official seal of the board to the effect that it appears from the records of the board that the board has not issued a license or registration to the person specified in the statement, or that a license or registration, if issued, has been revoked or suspended, or that the holder has been subjected to disciplinary action by the board shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

Sec. 4729.261. (A) For purposes of division (D)(4)(b) of section 2925.14 of the Revised Code, and subject to division (B) of this section, the state board of pharmacy shall adopt rules establishing standards and procedures for its approval of types of instruments that are not to be considered drug paraphernalia because they demonstrate efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) Under this section, the board shall not approve any type of instrument to the extent that the instrument is intended to measure the purity of a mixture.

Sec. 4729.49. (A) As used in this section~~,~~:

(1) "340B covered entity~~,~~" ~~"medicaid~~ has the same meaning as in section 3902.70 of the Revised Code.

(2) "Medicaid managed care organization," and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code.

(B) A contract between a terminal distributor of dangerous drugs and a 340B covered entity shall require the terminal distributor to comply with division (C) of this section.

(C) When paying a 340B covered entity for a dangerous drug dispensed to a patient, a terminal distributor shall pay to the 340B covered entity the full reimbursement amount the terminal distributor receives from the patient and the patient's health insurer, including a third-party administrator or medicaid managed care organization, except that the terminal distributor may deduct from the full reimbursement amount a fee agreed on in writing by the terminal distributor and the 340B covered entity.

Sec. 4729.52. (A) As used in this section:

(1) "Category II" means any dangerous drug that is not included in category III.

(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.

(3) "Schedule I,""schedule II,""schedule III,""schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B)(1)(a) The state board of pharmacy shall license persons seeking to operate as any of the following ~~persons~~, whether located within or outside this state:

(i) Wholesale distributors of dangerous drugs;

(ii) Manufacturers of dangerous drugs;

(iii) Outsourcing facilities;

(iv) Third-party logistics providers;

(v) Repackagers of dangerous drugs.

(b) ~~There shall be two categories for the licenses~~ When the board issues a license to a person identified in division (B)(1)(a) of this section~~. The~~, the license shall be issued according to one of the following categories ~~are as follows~~, as the case may be for the person's business operations:

(i) Category II license. A category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute~~,~~ only the dangerous drugs described in category II.

(ii) Category III license. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute~~,~~ the dangerous drugs described in category II and the controlled substances described in category III.

(iii) Nonresident license. A nonresident license applies to a person whose business operations are located outside this state. One of the following subcategories shall be designated by the board on the license, based on the license holder's business

operations: wholesale distributor of dangerous drugs, manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, or repackager of dangerous drugs. A person who obtains a nonresident license may possess, have custody or control of, and distribute the dangerous drugs described in category II and the controlled substances described in category III.

(c) The board may adopt rules under section 4729.26 of the Revised Code to create classification types of any license issued pursuant to this section. Persons who meet the definitions of the classification types shall comply with all requirements for the specific license classification specified in rule.

(C) A person seeking a license ~~identified in division (B)(1)(a) of~~ issued under this section shall file with the executive director of the board a verified application containing such information as the board requires of the applicant relative to the licensure qualifications set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

(D)(1) The board shall ~~license as~~ issue a category II or category III license, designated for a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor as the case may be, to each applicant ~~who has paid~~ whose business operations are located within this state, if the applicant pays the required license fee~~, if~~ and the board determines that the applicant meets the licensure qualifications set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

~~(D)~~(2) The board ~~may~~ shall issue a nonresident license

with the appropriate subcategory designation to ~~a person who does not reside in~~ an applicant whose business operations are located outside this state ~~a license identified in division (B)(1)(a) of this section~~, if the ~~person~~ applicant pays the required ~~licensure~~ license fee and ~~meets~~ the board determines either of the following:

~~(1) Possesses~~ (a) That the applicant possesses a current and valid manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor license, or its equivalent, issued by another state in which that ~~person is~~ person's business operations are physically located, but only if that state has qualifications for licensure comparable to the licensure requirements in this state;

~~(2) Meets~~ (b) That the applicant meets the requirements set forth by the board for issuance of a nonresident license ~~identified in division (B)(1)(a) of this section~~, as verified by a state, federal, or other entity recognized by the board to perform such verification.

(E) All licenses issued or renewed pursuant to this section are effective for a period specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A license shall be renewed by the board pursuant to this section, the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted by the board under section 4729.26 of the Revised Code. A person seeking to renew a license shall submit an application for renewal and pay the required renewal fee before the date specified in the rules adopted by the board.

(F) Each license issued under this section shall describe not more than one establishment or place where the license holder may engage in the activities authorized by the license. No license shall authorize or permit the person named therein to engage in the sale or distribution of drugs at wholesale or to maintain possession, custody, or control of dangerous drugs for any purpose other than for the licensee's own use and consumption at any establishment or place other than that described in the license.

~~(G)(1)(a)~~ (G)(1) The category II license fee is one thousand nine hundred dollars and shall accompany each application for licensure. The license renewal fee is one thousand nine hundred dollars and shall accompany each renewal application.

~~(b)~~ (2) The category III license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

~~(c)(i)~~ (3) The nonresident license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

(H)(1) Subject to division ~~(G)(1)(c)(ii)~~ (H)(2) of this section, a license issued pursuant to this section that has not been renewed by the date specified in rules adopted by the board may be reinstated upon payment of the renewal fee and a penalty of three hundred dollars.

~~(ii)~~ (2) If a complete application for renewal has not been submitted by the sixty-first day after the renewal date

specified in rules adopted by the board, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

~~(2)~~ (I) Renewal fees and penalties assessed under division ~~(G)(1)~~ (G) or (H) of this section shall not be returned if the applicant fails to qualify for renewal.

~~(3)~~ (J) A person licensed pursuant to this section that fails to renew licensure in accordance with this section and rules adopted by the board is prohibited from engaging in manufacturing, repackaging, or compounding drugs, or distributing drugs as a third-party logistics provider or wholesale distributor, until a valid license is issued by the board.

~~(H)~~ (K) Holding a license issued pursuant to this section subjects the holder and the holder's agents and employees to the jurisdiction of the board and to the laws of this state for the purpose of the enforcement of this chapter and the rules of the board. However, the filing of an application for licensure under this section by or on behalf of any person, or the issuance of a license pursuant to this section to or on behalf of any person, shall not of itself constitute evidence that the person is doing business within this state.

~~(I)~~ (L) A person holding a license issued under this section shall designate, and shall have available at all times, a person to serve for the licensed location in a position to be known as "responsible person." A person may be designated and serve as a responsible person only if the person meets the requirements established in rules the board shall adopt under section 4729.26 of the Revised Code. Along with the license holder, a responsible person shall accept responsibility for the

operation of the licensed location in accordance with all applicable state and federal laws and rules.

A license holder shall notify the board of the person who is designated to serve as the responsible person and, thereafter, shall notify the board each time a change is made in the designation. Notice to the board shall be provided in accordance with procedures established in rules that the board shall adopt under section 4729.26 of the Revised Code. For any change of responsible person, the board shall assess a fee of fifteen dollars.

(M) The board may enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of any manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor located within or outside this state and to investigate alleged violations of the laws and rules governing distribution of drugs by such persons. Any information received pursuant to such an agreement is subject to the same confidentiality requirements applicable to the agency or entity from which it was received and shall not be released without prior authorization from that agency or entity. Any information received is also subject to section 4729.23 of the Revised Code.

Sec. 4729.53. (A) The state board of pharmacy shall not license any person as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs unless the applicant for licensure furnishes satisfactory proof to the board that all of the following conditions are met:

(1) If the applicant has committed acts that the board

finds violate any federal, state, or local law, regulation, or rule relating to drug samples, manufacturing, compounding, repackaging, wholesale or retail drug distribution, or distribution of dangerous drugs, including controlled substances, or if the applicant has committed acts that the board finds constitute a felony, or if a federal, state, or local governmental entity has suspended or revoked any current or prior license of the applicant for the manufacture, compounding, repackaging, distribution, or sale of any dangerous drugs, including controlled substances, the applicant, to the satisfaction of the board, assures that the applicant has in place adequate safeguards to prevent the recurrence of any such violations, felonies, or license suspensions or revocations.

(2) The applicant's past experience in the manufacture, compounding, repackaging, or distribution of dangerous drugs, including controlled substances, is acceptable to the board.

(3) The applicant is properly equipped as to land, buildings, equipment, and personnel to properly carry on its business, including providing adequate security for and proper storage conditions and handling for dangerous drugs, and is complying with the requirements under this chapter and the rules adopted pursuant thereto for maintaining and making available records to properly identified board officials and federal, state, and local law enforcement agencies.

(4) Personnel employed by the applicant have the appropriate education or experience, as determined by the board, to assume responsibility for positions related to compliance with this chapter and the rules adopted pursuant thereto.

(5) The applicant has designated the name and address of a person to whom communications from the board may be directed and

upon whom the notices and citations provided for in section 4729.56 of the Revised Code may be served.

(6) Adequate safeguards are assured to prevent the sale of dangerous drugs other than in accordance with section 4729.51 of the Revised Code.

(7) With respect to criminal records checks, the applicant has done both of the following, and the board has decided that the results of the criminal records checks do not make the applicant ineligible for a license issued pursuant to section 4729.52 of the Revised Code:

(a) ~~Complied~~ The applicant has complied with sections 4776.01 to 4776.04 of the Revised Code~~;~~.

(b) ~~Required any~~ The applicant has required each of the following to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the board:

(i) Any person who is seeking to serve as the responsible person on the license, as required by section 4729.52 of the Revised Code;

(2) Any person who has an ownership interest~~,~~ or who is a corporate officer, as set forth in rules adopted under division (C) of this section~~, to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the board~~.

(8) The applicant meets any other requirement or qualification the board, by rule adopted under division (C) of this section, considers relevant to and consistent with the public safety and health.

(B) In addition to the causes described in section 4729.56 of the Revised Code for refusing to grant or renew a license, the board may refuse to grant or renew a license if the board determines that the granting of the license or its renewal is not in the public interest.

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) For purposes of division (A)(7)(b) of this section, ~~define "responsible person" and~~ specify the persons with ownership interests and the corporate officers who are required to submit to criminal records checks;

(2) For purposes of division (A)(8) of this section, specify other requirements or qualifications, if any, that an applicant must meet to receive a license;

(3) Address any other matter the board considers appropriate to implement this section.

Sec. 4729.54. (A) As used in this section:

(1) "Category II" means any dangerous drug that is not included in category III.

(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.

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

(4) "Emergency medical service organization satellite" means a location where dangerous drugs are stored that is separate from, but associated with, the headquarters of an emergency medical service organization. "Emergency medical service organization satellite" does not include the units under

the control of the emergency medical service organization.

(5) "Person" includes an emergency medical service organization or an emergency medical service organization satellite.

(6) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B)(1) The state board of pharmacy shall license persons seeking to operate as terminal distributors of dangerous drugs, whether located within or outside this state.

A person seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the ~~state~~ board ~~of pharmacy~~ a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(b) A statement as to ~~whether~~ the category of licensure, identified under division (E) of this section, that the person is seeking ~~to be licensed as a category II, category III, limited category II, or limited category III terminal distributor of dangerous drugs~~;

(c) If the person is seeking to be licensed as a limited category II or limited category III terminal distributor of dangerous drugs, a list of the dangerous drugs described in

category II or the controlled substances described in category III that the person is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;

(d) If the person is an emergency medical service organization, the information that is specified in divisions (C)(1) and (2) of this section, and if the person is an emergency medical service organization satellite, the information required under division (D) of this section;

(e) Except with respect to the units under the control of an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption;

(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code.

(C)(1) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application all of the following:

(a) A copy of its standing orders or protocol, which orders or protocol shall be signed by a physician;

(b) A list of the dangerous drugs that the units under its control may carry, expressed in standard dose units, which shall be signed by a physician;

(c) A list of the personnel employed or used by the organization to provide emergency medical services in accordance

with Chapter 4765. of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when an emergency medical service organization that is licensed as a terminal distributor must notify the board of any changes in its documentation submitted pursuant to division (C)(1) of this section.

(2) An emergency medical service organization seeking to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category II or III.

(3) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number or location of any of its units or if there is any change in the category of the dangerous drugs that any unit will possess.

(4) A unit listed in an application for licensure pursuant to division (C)(2) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current

form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization satellite that applies for a terminal distributor of dangerous drugs license shall submit with its application all of the information that the board requires to be submitted with the application, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code.

(E) ~~There shall be four categories of terminal distributor of dangerous drugs licenses. The~~When the board issues a license to a person seeking to operate as a terminal distributor of dangerous drugs, the board shall issue the license according to one of the following categories ~~are as follows~~, as the case may be for the person's business operations:

(1) Category II license. A category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II.

(2) Limited category II license. A limited category II license applies to a person whose business operations are located within this state. A person who obtains this license may

possess, have custody or control of, and distribute only the dangerous drugs described in category II that were listed in the application for licensure.

(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category II and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

(4) Limited category III license. A limited category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II or the controlled substances described in category III that were listed in the application for licensure.

(5) Nonresident license. A nonresident license applies to a person whose business operations are located outside this state. A person who obtains a nonresident license may possess, have custody or control of, and distribute the dangerous drugs described in category II and the controlled substances described in category III.

(F) Except for an application made by a county dog warden or on behalf of an animal shelter, if an applicant for a limited category II license or limited category III license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a copy of its protocol or

standing orders. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state.

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G)(1) Except as provided in division (G)(3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee in the amount that applies to the category of licensure being sought. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G)(1) of this section:

(a) Except as provided in division (G)(2)(b) of this section:

(i) Three hundred ~~twenty~~ sixty dollars for a category II or limited category II license;

(ii) Four hundred ~~forty~~ sixty dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised

Code, or a limited category III license;

(iii) Five hundred dollars for a nonresident license.

(b) One hundred ~~twenty~~ sixty dollars for all of the following whose business operations are located within this state:

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code;

(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G)(2)(b)(i) of this section;

(iii) An emergency medical service organization satellite.

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code.

(H)(1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) Except for the license of a county dog warden, the license shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or

control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter or county dog warden may possess and use dangerous drugs in the course of business as provided in section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover the organization's headquarters and, in addition, shall cover and describe all the units of the organization listed in its application for licensure.

(I)(1) All licenses issued or renewed pursuant to this section shall be effective for a period specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A license shall be renewed by the board according to the provisions of this section, the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted by the board under section 4729.26 of the Revised Code. A person seeking to renew a license shall submit an application for renewal and pay the required fee on or before the date specified in the rules adopted by the

board. The fee required for the renewal of a license shall be the same as the license fee that applies under division (G)(2) of this section.

(2)(a) Subject to division (I)(2)(b) of this section, a license that has not been renewed by the date specified in rules adopted by the board may be reinstated only upon payment of the required renewal fee and a penalty fee of one hundred ten dollars.

(b) If an application for renewal has not been submitted by the sixty-first day after the renewal date specified in rules adopted by the board, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

(3) A terminal distributor of dangerous drugs that fails to renew licensure in accordance with this section and rules adopted by the board is prohibited from engaging in the retail sale, possession, or distribution of dangerous drugs until a valid license is issued by the board.

(J)(1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C)(1), (3), or (4) of this section.

(2) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have custody or control of, or distribute by virtue of its category of licensure.

(3) No licensee that is required by division (F) of this section to notify the board of changes in its protocol or standing orders, or in personnel, shall fail to comply with that division.

(K) A person holding a license issued under this section shall designate, and shall have available at all times, a person to serve for the licensed location in a position to be known as "responsible person." A person may be designated and serve as a responsible person only if the person meets the requirements established in rules that the board shall adopt under section 4729.26 of the Revised Code. Along with the license holder, a responsible person shall accept responsibility for the operation of the licensed location in accordance with all applicable state and federal laws and rules.

A license holder shall notify the board of the person who is designated to serve as the responsible person and, thereafter, shall notify the board each time a change is made in the designation. Notice to the board shall be provided in accordance with procedures established in rules that the board shall adopt under section 4729.26 of the Revised Code. For any change of responsible person, the board shall assess a fee of fifteen dollars.

(L) The board may enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of terminal distributors of dangerous drugs located within or outside this state and to investigate alleged violations of the laws and rules governing distribution of drugs by terminal distributors. Any information received pursuant to such an agreement is subject to the same confidentiality requirements applicable to the agency or entity from which it was received and shall not be released without prior authorization from that agency or entity. Any information received is also subject to section 4729.23 of the Revised Code.

Sec. 4729.541. (A) Except as provided in divisions (B) and

(C) of this section, all of the following are exempt from licensure as a terminal distributor of dangerous drugs:

(1) A licensed health professional authorized to prescribe drugs;

(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, or Chapter 1706. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a prescriber and is authorized to provide the professional services being offered by the entity;

(3) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, or Chapter 1706. of the Revised Code, a partnership or a limited liability partnership formed under Chapter 1775. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code, if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code to perform the professional service provided by the entity and each such individual is a prescriber;

(4) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of

the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;

(5) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy under rules adopted by the board, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;

(6) With respect to epinephrine autoinjectors that may be possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(7) With respect to epinephrine autoinjectors that may be possessed under section ~~5101.76~~ 5180.26 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(8) With respect to epinephrine autoinjectors that may be possessed under Chapter 3728. of the Revised Code, a qualified entity, as defined in section 3728.01 of the Revised Code;

(9) With respect to inhalers that may be possessed under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(10) With respect to inhalers that may be possessed under section ~~5101.77~~ 5180.261 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(11) With respect to overdose reversal drugs that may be possessed for the purposes described in section 3715.50 of the Revised Code, any person or government entity exercising the authority conferred by that section;

(12) With respect to overdose reversal drugs that may be possessed for use in personally furnishing supplies of the drug pursuant to a protocol established under section 3715.503 of the Revised Code, any individual exercising the authority conferred

by that section;

(13) With respect to injectable or nasally administered glucagon that may be possessed under sections 3313.7115, 3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(14) With respect to injectable or nasally administered glucagon that may be possessed under section ~~5101.78~~ 5180.262 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(15) A person who possesses nitrous oxide for use as a direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for testing or maintaining a plumbing or heating, ventilation, and air conditioning system;

(16) A person who possesses medical oxygen, sterile water, or sterile saline for direct administration to patients or for the purpose of installation or maintenance of home medical equipment, as defined in section 4752.01 of the Revised Code;

(17) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) Any of the persons described in divisions (A)(1) to (16) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.

Sec. 4729.56. (A)(1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a person licensed under ~~division (B)(1)(a) of~~ section 4729.52 of the Revised Code for any of the causes set forth in division (A)(2) of this section:

(a) Suspend, revoke, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a

similar offense or two thousand five hundred dollars if the acts committed are not classified as an offense by the Revised Code;

(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following:

(a) Making any false material statements in an application for licensure under section 4729.52 of the Revised Code;

(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;

(c) A conviction of a felony;

(d) Failing to satisfy the qualifications for licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;

(e) Falsely or fraudulently promoting to the public a drug that is a controlled substance included in schedule I, II, III, IV, or V, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a controlled substance to a health care provider or licensed terminal distributor;

(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 3715. of the Revised Code;

(g) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4729.26 of the Revised Code.

(B) Upon the suspension or revocation of any license ~~identified in division (B)(1)(a) of~~ issued under section 4729.52 of the Revised Code, the licensee shall immediately surrender the license to the board.

(C) If the board suspends, revokes, or refuses to renew any license ~~identified in division (B)(1)(a) of~~ issued under section 4729.52 of the Revised Code and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the board may place under seal all dangerous drugs owned by or in the possession, custody, or control of the affected licensee. Except as provided in this division, the board shall not dispose of the dangerous drugs sealed under this division until the licensee exhausts all of the licensee's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The board shall deposit the proceeds of the sale with the court.

(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(E) Notwithstanding division (D)(2) of section 2953.32 or division (F)(1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the

case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

Sec. 4729.561. If the state board of pharmacy determines that there is clear and convincing evidence that the method used ~~by a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs~~ to possess or distribute dangerous drugs by a person licensed under section 4729.52 of the Revised Code presents a danger of immediate and serious harm to others, the board may suspend without a hearing the person's license issued pursuant to that section ~~4729.52 of the Revised Code~~. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within one hundred twenty days after the suspension, the suspension shall be void on the one hundred twenty-first day after the suspension.

Sec. 4729.59. The executive director of the state board of pharmacy shall maintain a register of the names, addresses, and the date of licensure of those persons to whom licenses have been issued pursuant to sections 4729.52 and 4729.54 of the

Revised Code. The register is subject to section 4798.10 of the Revised Code.

The board shall make available a roster of those persons. The roster shall indicate those persons whose licenses have been suspended, revoked, or surrendered, and those persons whose licenses have not been renewed.

A written statement signed and verified by the executive director of the board or the director's designee in which it is stated that after diligent search of the register no record or entry of the issuance of a license to a person is found is admissible in evidence and constitutes presumptive evidence of the fact that the person is not licensed pursuant to section 4729.52 or 4729.54 of the Revised Code.

Sec. 4729.60. (A)(1) Before a ~~licensee identified in division (B)(1)(a) of~~ person licensed under section 4729.52 of the Revised Code may sell or distribute dangerous drugs at wholesale to any person, except as provided in division (A)(2) of this section, the licensee shall query the roster established pursuant to section 4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs.

If no documented query is conducted before a sale is made, it shall be presumed that the sale of dangerous drugs by the licensee is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (E) of section 4729.51 of the Revised Code. If a licensee conducts a documented query and relies on the results of the query in selling or distributing dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the licensee shall be deemed not to have

violated division (B) of section 4729.51 of the Revised Code in making the sale.

(2) Division (A)(1) of this section does not apply when a ~~licensee identified in division (B)(1)(a) of~~ person licensed under section 4729.52 of the Revised Code sells or distributes dangerous drugs at wholesale to any of the following:

(a) A person specified in division (B)(4) of section 4729.51 of the Revised Code;

(b) A person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code.

(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale.

If no documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs conducts a documented query at least annually and relies on the results of the query in purchasing dangerous drugs at wholesale, the terminal distributor shall be deemed not to have violated division (F) of section 4729.51 of the Revised Code in making the purchase.

Sec. 4729.80. (A) If the state board of pharmacy

establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an investigation.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security

agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a

claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information

from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's responsible person designated under section 4729.54 of the Revised Code, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to

the confidentiality requirements of this chapter.

~~(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.~~

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member.

(22) On receipt of a request from a requestor described in division (A)(5) or (6) of this section who is from or participating with a prescription monitoring program that is operated by a federal agency and approved by the board, the board may provide to the requestor information from the database, but only if there is a written agreement under which

the information is to be used and disseminated according to the laws of this state.

(23) Any personal health information submitted to the board pursuant to section 4729.772 of the Revised Code may be provided by the board only as authorized by the submitter of the information and in accordance with rules adopted under section 4729.84 of the Revised Code.

(24) On receipt of a request from a person described in division (A)(5), (6), or (17) of this section who is participating in a drug overdose fatality review committee described in section 307.631 of the Revised Code, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(25) On receipt of a request from a person described in division (A)(5), (6), or (17) of this section who is participating in a suicide fatality review committee described in section 307.641 of the Revised Code, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(26) On receipt of a request from a designated representative of the division of marijuana control in the department of commerce, the board shall provide to the representative information from the database relating to an individual who, or entity that, is the subject of an active investigation being conducted by the division.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the

database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary,

statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.901. (A) An applicant for registration under section 4729.90 of the Revised Code shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of ~~fifty~~ sixty-five dollars, which shall not be returned if the applicant fails to qualify for registration.

(B) If the board is satisfied that the applicant meets the requirements of section 4729.90 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a registered pharmacy technician or certified pharmacy technician, as applicable.

(C) The board shall register as a registered pharmacy technician or certified pharmacy technician, as applicable, in accordance with Chapter 4796. of the Revised Code an applicant if either of the following applies:

(1) The applicant holds a license or is registered in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician in a state

that does not issue that license or registration.

(D) Registration under division (B) or (C) of this section is valid for the period specified by the board in rules adopted under section 4729.94 of the Revised Code. The period shall not exceed twenty-four months unless the board extends the period in the rules to adjust license renewal schedules.

Sec. 4729.902. (A) A registered pharmacy technician or certified pharmacy technician shall file an application for registration renewal in the form and manner prescribed by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code. Registrations shall be renewed in accordance with the rules and the standard renewal procedure set forth in Chapter 4745. of the Revised Code. The renewal fee is ~~twenty-five~~ sixty-five dollars per year.

(B)(1) A registered pharmacy technician or certified pharmacy technician who fails to renew registration in accordance with division (A) of this section is prohibited from engaging in the activities authorized by section 4729.91 of the Revised Code.

(2)(a) A registration that is not renewed by a date determined under division (A) of this section but has not lapsed for more than ninety days may be reinstated if the applicant does both of the following:

(i) Submits a renewal application in a form prescribed by the board in rules adopted under section 4729.94 of the Revised Code;

(ii) Pays the renewal fee and a late fee of fifty dollars.

(b) A registration that has lapsed for more than ninety days cannot be renewed, but the registration holder may reapply

for registration.

Sec. 4729.921. An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall by accompanied by an application fee of ~~twenty-five~~ forty dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician trainee in a state that does not issue that license or registration.

The board may register as a pharmacy technician trainee an applicant who is seventeen years of age and does not possess a high school diploma or certificate of high school equivalence if the applicant is enrolled in a career-technical school program that is approved by the board and conducted by a city, exempted village, local, or joint vocational school district.

The board shall not refuse to register an applicant as a pharmacy technician trainee because of a conviction for an

offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Registration is valid for ~~one year~~ eighteen months from the date of registration, except that the board may extend the time period for which registration is valid. Registration is not renewable, but an individual may reapply for registration if the individual's previous registration has lapsed for more than five years or the board grants its approval.

Sec. 4730.433. (A)(1) Subject to division (A)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a license issued under this chapter and a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may do either of the following without having examined an individual to whom epinephrine may be administered:

(a) Personally furnish a supply of epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code;

(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code.

(2) An epinephrine autoinjector personally furnished or prescribed under division (A)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(B) A physician assistant who acts in good faith in

accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4730.437. (A)(1) Subject to division (A)(2) of this section and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a valid prescriber number issued by the board and has been granted physician-delegated prescriptive authority may do either of the following without having examined an individual to whom glucagon may be administered:

(a) Personally furnish a supply of injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of the Revised Code;

(b) Issue a prescription for injectable or nasally administered glucagon in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of the Revised Code.

(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (A)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(B) A physician assistant who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action,

prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.

(B) The board shall keep a register of applicants for licenses and certificates issued under this chapter; licenses issued under Chapters 4730., 4760., 4762., 4774., and 4778.; and licenses and limited permits issued under Chapters 4759. and 4761. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused the license, certificate, or limited permit being sought. The register is subject to section 4798.10 of the Revised Code.

With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. With respect to applicants to practice respiratory care, the register shall show the addresses of the person's last known place of business, the effective date and identification number of the license or limited permit, and, if applicable, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements and the date the degree or certificate of completion was issued.

(C) The books and records of the board shall be prima-facie evidence of matters therein contained.

Sec. 4731.295. (A)(1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration.

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide medical services to indigent and uninsured persons at any location, including a free clinic. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree of medicine or osteopathic medicine.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or

osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.

(4) An attestation that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide medical services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the certificate.

(E)(1) A volunteer's certificate shall be valid for a period of three years, unless earlier revoked under division (D) of this section or pursuant to section 4731.22 of the Revised

Code. A volunteer's certificate may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold volunteer's certificates. The register is subject to section 4798.10 of the Revised Code. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.

(2) To be eligible for renewal of a volunteer's certificate the holder of the certificate shall certify to the board completion of one hundred fifty hours of continuing medical education that meets the requirements of section 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits.

(3) The board shall issue a volunteer's certificate to each person who qualifies under this section for the certificate. The certificate shall state that the certificate holder is authorized to provide medical services pursuant to the laws of this state. The holder shall display the certificate prominently at the location where the holder primarily practices.

(4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code.

(F) The holder of a volunteer's certificate issued under this section is not required to obtain a license under Chapter

4796. of the Revised Code.

(G) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.

Sec. 4731.298. (A) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a visiting clinical professional development certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's participation in a clinical professional development program.

(B) To be eligible for a visiting clinical professional development certificate, an applicant shall provide to the board satisfactory evidence that the applicant meets both of the following requirements:

(1) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;

(2) Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country.

(C) The board shall maintain a register of all persons who hold visiting clinical professional development certificates. The register is subject to section 4798.10 of the Revised Code.

(D) The holder of a visiting clinical professional development certificate may practice medicine and surgery or osteopathic medicine and surgery only as part of the clinical professional development program in which the certificate holder

participates. The certificate holder's practice must be under the direct supervision of a qualified faculty member of the medical school, osteopathic medical school, or teaching hospital conducting the program who holds a license to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.

The program in which the certificate holder participates shall ensure that the certificate holder does not do any of the following:

(1) Write orders or prescribe medication;

(2) Bill for services performed;

(3) Occupy a residency or fellowship position approved by the accreditation council for graduate medical education;

(4) Attempt to have participation in a clinical professional development program pursuant to this section counted toward meeting the graduate medical education requirements specified in section 4731.09 of the Revised Code.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A visiting clinical professional development certificate is valid for the shorter of one year or the duration of the program in which the holder is participating. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the program. The certificate may not be extended.

(G) The program in which a certificate holder participates shall obtain from each patient or patient's parent or legal guardian written consent to any medical or surgical procedure or course of procedures in which the certificate holder participates.

(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4731.92. (A) As used in this section, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B)(1) Subject to division (B)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may do either of the following without having examined an individual to whom glucagon may be administered:

(a) Personally furnish a supply of injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of the Revised Code;

(b) Issue a prescription for injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of the Revised Code.

(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4731.96. (A) As used in this section and section 4731.961 of the Revised Code, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B)(1) Subject to division (B)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may do either of the following without having examined an individual to whom epinephrine may be administered:

(a) Personally furnish a supply of epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code;

(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code.

(2) An epinephrine autoinjector personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(C) A physician who acts in good faith in accordance with

this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4732.07. The state board of psychology shall keep a record of its proceedings and a register of applicants for licenses under this chapter and applicants for certificates under Chapter 4783. of the Revised Code. The register is subject to section 4798.10 of the Revised Code. The books and records of the board shall be prima-facie evidence of the matters therein contained.

Sec. 4734.04. (A) The state chiropractic board shall hold meetings at the times and places that a majority of the board directs. A special meeting shall be held at the call of the board's president or at the request of two or more board members, in which case the meeting shall be called by the board's executive director.

A majority of the board constitutes a quorum for the transaction of business. Except when action is taken on behalf of the board by the board's president under division (A) of section 4734.05 of the Revised Code, the board may not take any action without the concurrence of three members. The board shall make rules as necessary to govern its internal management.

(B) The board shall keep a record of its meetings and other official actions, including a register of all applicants for licensure to practice chiropractic. The register shall show whether an applicant for licensure was rejected or was granted a license. The register is subject to section 4798.10 of the Revised Code. The board's records and register shall be prima-

facie evidence of all matters recorded in them. The board shall adopt a common seal, which may be used to authenticate its official documents.

Sec. 4735.06. ~~(A)~~ (A)(1) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers.

(2) Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

(3) Each application shall include the address of the applicant's current residence or, if the applicant is not an individual, the address of the current residence of each of the applicant's members or officers.

(4) The superintendent shall retain residential addresses submitted under division (A)(3) of this section as separate records, and those records are subject to section 4798.10 of the Revised Code.

(B)(1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated.

The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name

proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation.

(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria:

(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the public.

(3) The superintendent may approve the use of more than one trade name for a brokerage.

(4) When a brokerage has received the approval of the

superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising.

(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the applicant was an inactive or active salesperson immediately preceding application for a broker's license, then the initial licensing period shall commence at the time the broker's license is issued and ends on the date the licensee's continuing education is due as set when the applicant was a salesperson. The application fee shall be nonrefundable. A fee of one hundred thirty-five dollars shall be charged by the superintendent for each successive application made by an applicant. In the case of issuance of a three-year license, upon passing the examination, or upon waiver of the examination requirement, if the superintendent determines it is necessary, the applicant shall submit an additional fee determined by the superintendent based upon the number of years remaining in a real estate salesperson's licensing period.

(D) The Ohio real estate commission may use the division of real estate operating fund created under section 4735.211 of the Revised Code in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and may use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting with any such institution or a trade organization for a particular research or educational project in the field of real estate, or in advancing loans, not exceeding two thousand dollars, to applicants for salesperson

licenses, to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. Such loans shall be made according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and they shall be repaid to the fund within three years of the time they are made. No more than twenty-five thousand dollars shall be lent from the fund in any one fiscal year.

The governor may appoint a representative from the executive branch to be a member ex officio of the commission for the purpose of advising on research requests or educational projects. The commission shall report to the general assembly on the third Tuesday after the third Monday in January of each year setting forth the total amount contained in the fund and the amount of each research grant that it has authorized and the amount of each research grant requested. A copy of all research reports shall be submitted to the state library of Ohio and the library of the legislative service commission.

(E) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination, pursuant to division (A) of section 4735.07 of the Revised Code, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(2) of section 4735.10 of the Revised Code.

Sec. 4735.09. (A) Application for a license as a real

estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall include the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record, and that record is subject to section 4798.10 of the Revised Code. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the

commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has received a passing score on each portion of the salesperson's examination as determined by rule by the real estate commission.

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest and truthful;

(2)(a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real

estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued under section 3301.80 of the Revised Code;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on

housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current

application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in

compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (I) of this section within twelve months of the date the license is suspended.

(K) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12189. The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6) of this section. An applicant who has completed the classroom instructional requirements of division (F)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of the applicant's admission to the examination.

(L) Notwithstanding any provision of this chapter or Chapter 4796. of the Revised Code to the contrary, the superintendent shall issue a real estate salesperson's license in accordance with Chapter 4796. of the Revised Code to an applicant if both of the following apply:

(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable.

(2) The applicant passes an examination on Ohio real estate law.

Sec. 4740.06. (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board,

accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes ~~and verified by the applicant's oath~~. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B), (C), or (D) of this section.

(B) To qualify to take an examination, an individual shall:

(1) Be at least eighteen years of age;

(2) Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States;

(3) Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed, be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an examination, or have other experience acceptable to the appropriate specialty section of the board;

(4) Maintain contractor's liability insurance in an amount the appropriate specialty section of the board determines and only in one contracting company name;

(5) Not have done any of the following:

(a) Violated this chapter or any rule adopted pursuant to it;

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or

a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an agent in this state in accordance with section 1706.09 of the Revised Code.

(4) Meet the requirements described in divisions (B)(1), (2), (4), and (5) of this section.

(D)(1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall:

(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted;

(b) Meet the requirements described in divisions (B)(1), (2), (4), and (5) of this section.

(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D)(1)(a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted.

(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division.

(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division (B), (C), or (D) of this section and passes the required examination, the appropriate specialty section of the board,

within ninety days after the application was filed, shall authorize the administrative section of the board to license the applicant for the type of contractor's license for which the applicant qualifies. A specialty section of the board may withdraw its authorization to the administrative section for issuance of a license for good cause shown, on the condition that notice of that withdrawal is given prior to the administrative section's issuance of the license.

(G)(1) Except as provided in division (G)(2) of this section, if an applicant does not pass the required examination, the applicant may retake the examination not less than sixty days after the applicant's most recent examination.

(2) An applicant who does not pass the required examination after taking the examination five times under this section shall reapply for a license under division (A) of this section before retaking the required examination any subsequent time.

(H) All licenses a contractor holds pursuant to this chapter shall expire annually on the same date, which shall be the expiration date of the original license the contractor holds. An individual holding a valid, unexpired license may renew the license, without reexamination, by submitting an application to the appropriate specialty section of the board not more than ninety calendar days before the expiration of the license, along with the renewal fee the specialty section requires and proof of compliance with the applicable continuing education requirements. The applicant shall provide information in the renewal application satisfactory to demonstrate to the appropriate specialty section that the applicant continues to meet the requirements of divisions (B)(2), (4), and (5) of this

section.

Upon application and within one calendar year after a license has expired, a section may waive any of the requirements for renewal of a license upon finding that an applicant substantially meets the renewal requirements or that failure to timely apply for renewal is due to excusable neglect. A section that waives requirements for renewal of a license may impose conditions upon the licensee and assess a late filing fee of not more than double the usual renewal fee. An applicant shall satisfy any condition the section imposes before a license is reissued.

(I) An individual holding a valid license may request the section of the board that authorized that license to place the license in inactive status under conditions, and for a period of time, as that section determines.

(J) Except for the ninety-day extension provided for a license assigned to a contracting company under division (D) of section 4740.07 of the Revised Code, a license held by an individual immediately terminates upon the death of the individual.

(K) Nothing in any license issued by the Ohio construction industry licensing board shall be construed to limit or eliminate any requirement of or any license issued by the Ohio fire marshal.

(L)(1) Subject to division (L)(3) of this section, no specialty section of the board shall adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from renewing a license under this chapter due to any past criminal activity or interpretation of moral character. If

the specialty section denies an individual a license renewal, the reasons for such denial shall be put in writing.

(2) The section may refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code.

(3) In considering a renewal of an individual's license, the section shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The section may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(M) Notwithstanding divisions (H) and (L) of this section and sections 4740.04 and 4740.05 of the Revised Code, the board may establish rules that amend the continuing education requirements and license renewal schedule for licensees as provided in or adopted pursuant to those sections for the purpose of establishing a compliance incentive program. These rules may include provisions for the creation of the program and the qualifications, continuing education requirements, and renewal schedule for the program.

Sec. 4741.03. (A) The state veterinary medical licensing board shall meet at least once in each calendar year and may hold additional meetings as often as it considers necessary to conduct the business of the board. The president of the board

may call special meetings, and the executive director shall call special meetings upon the written request of three members of the board. The board shall organize by electing a president and vice-president from its veterinarian members and such other officers as the board prescribes by rule. Each officer shall serve for a term specified by board rule or until a successor is elected and qualified. A quorum of the board consists of four members of which at least three are members who are veterinarians. The concurrence of four members is necessary for the board to take any action.

(B) The board may appoint a person, not one of its members, to serve as its executive director. The executive director is in the unclassified service and serves at the pleasure of the board. The executive director shall serve as the board's secretary-treasurer ex officio. The board may employ additional employees for professional, technical, clerical, and special work as it considers necessary. The executive director shall give a surety bond to the state in the sum the board requires, conditioned upon the faithful performance of the executive director's duties. The board shall pay the cost of the bond. The executive director shall keep a complete accounting of all funds received and of all vouchers presented by the board to the director of budget and management for the disbursement of funds. The president or executive director shall approve all vouchers of the board. All money received by the board shall be credited to the occupational licensing and regulatory fund.

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

(1) Prescribe a seal;

(2) Review the results of ~~board-appproved~~ board-approved,

nationally recognized examinations taken by applicants in accordance with rules adopted by the board.

(3) Keep a record of all of its meetings and proceedings;

(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;

(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;

(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;

(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them. The registers, books, and records are subject to section 4798.10 of the Revised Code.

Sec. 4743.09. (A) As used in this section:

(1) "Durable medical equipment" means a type of equipment, such as a remote monitoring device utilized by a physician, physician assistant, or advanced practice registered nurse in accordance with this section, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, and generally is not useful to a person in the absence of

illness or injury and, in addition, includes repair and replacement parts for the equipment.

(2) "Facility fee" means any fee charged or billed for telehealth services provided in a facility that is intended to compensate the facility for its operational expenses and is separate and distinct from a professional fee.

(3) "Health care professional" means:

(a) An advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;

(b) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;

(c) A pharmacist licensed under Chapter 4729. of the Revised Code;

(d) A physician assistant licensed under Chapter 4730. of the Revised Code;

(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;

(g) A chiropractor licensed under Chapter 4734. of the Revised Code;

(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;

(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;

(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;

(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;

(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;

(m) A peer recovery supporter, youth peer supporter, or family peer supporter certified under Chapter 4758. of the Revised Code;

(n) A dietitian licensed under Chapter 4759. of the Revised Code;

~~(n)~~ (o) A respiratory care professional licensed under Chapter 4761. of the Revised Code;

~~(o)~~ (p) A genetic counselor licensed under Chapter 4778. of the Revised Code;

~~(p)~~ (q) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;

~~(q)~~ (r) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.

(4) "Health care professional licensing board" means any of the following:

(a) The board of nursing;

(b) The state vision professionals board;

(c) The state board of pharmacy;

(d) The state medical board;

(e) The state board of psychology;

(f) The state chiropractic board;

(g) The state speech and hearing professionals board;

(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;

(i) The counselor, social worker, and marriage and family therapist board;

(j) The chemical dependency professionals board.

(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.

(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:

(a) The patient receiving the services;

(b) Another health care professional with whom the provider of the services is consulting regarding the patient.

(B)(1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B)(2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the

requirements of division (F) of section 121.95 of the Revised Code.

(2)(a) Except as provided in division (B)(2)(b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of care for in-person services.

(b) Subject to division (B)(2)(c) of this section, a board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements.

(c)(i) A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation.

(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance.

(C) With respect to the provision of telehealth services, all of the following apply:

(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied.

(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo

an in-person visit.

(3) When providing telehealth services in accordance with this section, a health care professional shall comply with all requirements under state and federal law regarding the protection of patient information. A health care professional shall ensure that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.

(4) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an annual visit if the appropriate standard of care for an annual visit is satisfied.

(5) In the case of a health care professional who is a physician, physician assistant, or advanced practice registered nurse, both of the following apply:

(a) The professional may provide telehealth services to a patient located outside of this state if permitted by the laws of the state in which the patient is located.

(b) The professional may provide telehealth services through the use of medical devices that enable remote monitoring, including such activities as monitoring a patient's blood pressure, heart rate, or glucose level.

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E)(1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer

covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

Sec. 4744.12. (A) The state speech and hearing professionals board shall annually elect from among its members

a president and secretary. The board shall hold at least four regular meetings each year and may hold additional meetings as it considers necessary. At least one of the board's regular meetings shall be held in Franklin county. The board shall publish the time and place of any meetings at least thirty days before the date on which the meeting is to be held, except that in the case of an emergency or special meeting, the board shall give twenty-four-hours' notice or as much notice as possible.

A majority of board members constitutes a quorum.

(B) The board shall do all of the following:

(1) Adopt a seal and certificate of suitable design;

(2) Maintain a record of its proceedings;

(3) Maintain a register of every individual holding a certificate, license, or permit issued under Chapters 4747. and 4753. of the Revised Code and every individual whose certificate, license, or permit has been revoked under those chapters.

(C) Except as otherwise provided in the Revised Code, the books and records of the board, including its registers, shall be open to public inspection at all reasonable times. A copy of an entry in those books and records, certified by the executive director under the board's seal, is prima facie evidence of the facts therein stated. The books and records of the board, including its registers, are subject to section 4798.10 of the Revised Code.

Sec. 4749.06. (A) Each class A, B, or C licensee shall register the licensee's investigator or security guard employees, with the department of public safety, which shall maintain a record of each licensee and registered employee and

make it available, upon request, to any law enforcement agency. The class A, B, or C licensee shall file an application to register a new employee no sooner than three days nor later than seven calendar days after the date on which the employee is hired. The record maintained by the department is subject to section 4798.10 of the Revised Code.

(B)(1) Each employee's registration application shall be accompanied by one recent photograph of the employee, the employee's physical description, and the registration fee the director determines, not to exceed forty dollars.

(2) The employee shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The employee shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. An employee who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the employee. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an employee intends to carry a firearm in the course of business or employment, pursuant to division (B)(2) of section 109.572 of the Revised Code the superintendent shall

make a request of the federal bureau of investigation for any information and review the information the bureau provides. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If, after investigation, the bureau finds that the employee has not been convicted of a disqualifying offense as defined in section 4776.10 of the Revised Code within the last three years, the director shall issue to the employee an identification card bearing the license number and signature of the licensee, which in the case of a corporation shall be the signature of its president or its qualifying agent, and containing the employee's name, address, age, physical description, and right thumb print or other identifying mark as the director prescribes, a recent photograph of the employee, and the employee's signature. The director may issue a duplicate of a lost, spoliated, or destroyed identification card issued under this section, upon payment of a fee fixed by the director, not exceeding five dollars.

(C) Except as provided in division (E) of this section, no class A, B, or C licensee shall permit an employee, other than an individual who qualified a corporation for licensure, to engage in the business of private investigation, the business of security services, or both businesses until the employee receives an identification card from the department, except that pending the issuance of an identification card, a class A, B, or C licensee may offer for hire security guard or investigator employees provided the licensee obtains a waiver from the person who receives, for hire, security guard or investigative services, acknowledging that the person is aware the employees have not completed their registration and agreeing to their employment.

(D) If a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, intends to carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used, or equivalency training, if authorized, or shall be a former peace officer who previously had successfully completed a firearms training course, shall receive a certificate of satisfactory completion of that program or written evidence of approval of the equivalency training, shall file an application for registration, shall receive a firearm-bearer notation on the licensee's or registered employee's identification card, and shall annually requalify on a firearms range, all as described in division (A) of section 4749.10 of the Revised Code. A private investigator, security guard provider, or employee is authorized to carry a firearm only in accordance with that division.

(E) This section does not apply to commissioned peace officers, as defined in division (B) of section 2935.01 of the Revised Code, working for, either as an employee or independent contractor, a class A, B, or C licensee. For purposes of this chapter, a commissioned peace officer is an employee exempt from registration.

(F) The registration of an investigator or security guard employee expires annually on the anniversary date of its initial issuance. Annual renewals shall be made pursuant to procedures the director establishes by rule and upon payment of a renewal fee the director determines, not to exceed thirty-five dollars.

The director shall not renew the registration of any investigator or security guard employee who no longer meets the requirements of this section. No background check is required for annual renewal, but an investigator or security guard employee shall report any conviction of a disqualifying offense to the employer and the director of public safety as a condition of continued registration.

Sec. 4751.20. (A) Except as provided in section 4751.201 of the Revised Code, and subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports shall issue a nursing home administrator license to an individual under this section if all of the following requirements are satisfied:

(1) The individual has submitted to the board a completed application for the license in accordance with rules adopted under section 4751.04 of the Revised Code and paid an application fee of two hundred fifty dollars.

(2) If the individual is required by rules adopted under section 4751.04 of the Revised Code to serve as a nursing home administrator ~~in training~~resident, the individual has paid to the board the ~~administrator in training~~ application fee of two hundred fifty dollars.

(3) The individual is at least twenty-one years of age.

(4) The individual has successfully completed educational requirements and work experience specified in rules adopted under section 4751.04 of the Revised Code, including, if so required by the rules, experience obtained as a nursing home administrator ~~in training~~resident.

(5) The individual has complied with section 4776.02 of

the Revised Code regarding a criminal records check.

(6) The board, in accordance with section 9.79 of the Revised Code, has determined that the results of the criminal records check do not make the individual ineligible for the license.

(7) Except as provided in division (B) of this section, the individual has passed the licensing examination administered under section 4751.15 of the Revised Code.

(8) The individual has paid to the board three hundred fifty dollars for a temporary license issued under division (B) of this section.

(9) The individual has paid to the board a license fee of ~~two~~ eight hundred ~~fifty~~ dollars.

~~(9)~~ (10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(B) Beginning January 1, 2025, the operator of a nursing home may request that the board issue a nursing home administrator license to an individual who meets the requirements specified in division (A) of this section but has not passed the licensing examination administered under section 4751.15 of the Revised Code, in order to fill a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause. An individual issued a license under division (B) of this section shall submit to the board, not later than one hundred eighty days after a license is issued, satisfactory evidence that the individual has passed the licensing examination administered under section 4751.15 of the Revised Code.

(C) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.

Sec. 4751.24. (A) Subject to section 4751.32 of the Revised Code, a nursing home administrator license is valid for two years and may be renewed and reinstated in accordance with this section.

(B) If a licensed nursing home administrator intends to continue to practice nursing home administration without interruption after the administrator's license expires, the administrator shall apply to the board of executives of long-term services and supports for a renewed nursing home administrator license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the administrator does all of the following before the license expires:

(1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of ~~six~~ eight hundred dollars;

(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted under section 4751.04 of the Revised Code;

(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(C) If a nursing home administrator license issued under

section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:

(1) Submits to the board the completed application for license reinstatement in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license reinstatement fee equal to the sum of the following:

(a) ~~Three~~ Eight hundred dollars;

(b) Fifty dollars for each calendar quarter that occurs during the period beginning on the date the license expires and ending on the last day of the calendar quarter during which the individual applies for license reinstatement, up to a maximum of two hundred dollars.

(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board under section 4751.04 of the Revised Code;

(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(D) A licensed nursing home administrator who determines to temporarily abandon the practice of nursing home administration shall notify the board in writing immediately. The former administrator may thereafter resume the practice of nursing home administration within the state upon complying with the requirements of this section regarding biennial license

renewal or license reinstatement, whichever is applicable.

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised Code, a health services executive license is valid for one year and may be renewed and reinstated in accordance with this section.

(B) A licensed health services executive may apply to the board of executives of long-term services and supports for a renewed license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the licensed health services executive does all of the following before the license expires:

(1) Submits to the board the completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of ~~fifty~~ one hundred dollars;

(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(C)(1) If a health services executive license is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:

(a) Submits to the board the completed application for license reinstatement in accordance with rules adopted under

section 4751.04 of the Revised Code;

(b) Pays to the board the license reinstatement fee specified in division (C)(2) of this section;

(c) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(2) The fee to reinstate a health services executive license under division (C)(1) of this section is the following:

(a) If the individual applying for reinstatement has, at the same time, applied for reinstatement of a nursing home administrator license under division (C) of section 4751.24 of the Revised Code and paid the reinstatement fee required by division (C)(2) of that section, one hundred dollars;

(b) If division (C)(2)(a) of this section does not apply to the individual, the sum of the following:

(i) One hundred dollars;

(ii) Twenty-five dollars for each calendar quarter that occurs during the period beginning on the date the license expired and ending on the last day of the calendar quarter during which the individual applies for license reinstatement, up to a maximum of one hundred dollars.

Sec. 4755.41. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall license persons desiring to practice physical therapy or to practice as physical therapist assistants in this state.

(B) An investigation, inquiry, or hearing which the

section is authorized to undertake or hold may be undertaken or held in accordance with section 4755.02 of the Revised Code. Any finding or order shall be confirmed or approved by the section.

(C) The physical therapy section shall:

(1) Keep a record of its proceedings;

(2) Keep a register of applicants showing the name and location of the institution granting the applicant's degree or certificate in physical therapy and whether or not a license was issued;

(3) Maintain a register of every physical therapist and physical therapist assistant in this state, including the licensee's last known place of business, the licensee's last known residence, and the date and number of the licensee's license;

(4) Deposit all fees collected by the section in accordance with section 4755.03 of the Revised Code;

(5) On receipt of an application for a license to practice as a physical therapist or physical therapist assistant, provide to the applicant the section's address, dates of upcoming section meetings, and a list of names of the section members.

(D) The register kept by the board under division (C)(2) of this section is subject to section 4798.10 of the Revised Code.

Sec. 4755.61. (A) The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall:

(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify

the application form and educational course work and clinical experience requirements for licensure and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code;

(3) Conduct hearings, keep records of its proceedings, and do all things necessary and proper to administer and enforce sections 4755.60 to 4755.65 of the Revised Code;

(4) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the requirements for the issuance of an athletic trainers license under this chapter and the rules adopted under it;

(5) Maintain a register of every person licensed to practice athletic training in this state, including the addresses of the licensee's last known place of business and residence, and the effective date and identification number of the person's license. The register is subject to section 4798.10 of the Revised Code. In accordance with section 4798.10 of the Revised Code, the section shall make this list available ~~to any person~~ upon request and payment of a fee not to exceed the actual cost of printing and mailing.

(6) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, a list of persons who passed the examination required under section 4755.62 of the Revised Code;

(7) Investigate complaints concerning alleged violations of section 4755.62 of the Revised Code or other grounds for the suspension, revocation, or refusal to issue a license under

section 3123.47 or 4755.64 of the Revised Code. In connection with its investigations, the athletic trainers section may subpoena witnesses, issue subpoenas, examine witnesses, administer oaths, and, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 and this chapter of the Revised Code. The section may review and audit the records of any licensee during normal business hours at the licensee's place of business or at any other place where the licensee's records are kept. Notwithstanding section 149.43 of the Revised Code, the athletic trainers section and its employees, except pursuant to a court order, shall maintain in confidence all information obtained.

(8) Adopt rules governing the nature and scope of the examination required under section 4755.62 of the Revised Code and the reexamination required under section 4755.63 of the Revised Code and the minimum examination score for licensure or renewal thereof. The rules for the examination required under section 4755.62 of the Revised Code shall ensure the testing of the applicant's knowledge of the basic and clinical sciences relating to athletic training theory and practice, including professional skills and judgment in the utilization of athletic training techniques and such other subjects as the athletic trainers section considers useful in determining competency to practice athletic training.

(9) Conduct the examination required under section 4755.62 of the Revised Code at least twice a year at a time and place and under such supervision as the athletic trainers section determines;

(10) Adopt rules to determine which states' standards for licensure are equal to or greater than this state's for the purpose of waiving requirements under division (D) of section 4755.62 of the Revised Code;

(11) Adopt rules to determine which examinations meet the requirements of division (E) of section 4755.62 of the Revised Code;

(12) Adopt rules establishing the standards of ethical conduct for licensed athletic trainers under this chapter;

(13) Adopt rules specifying the scope and nature of the continuing education courses that are acceptable to the athletic trainers section and the number of courses that must be completed to comply with the requirement for renewal of a license under section 4755.63 of the Revised Code.

(14) Adopt rules establishing the schedule when licenses to practice as an athletic trainer expire during a biennium for purposes of section 4755.63 of the Revised Code.

(B) The fees adopted by the athletic trainers section pursuant to division (A)(2) of this section shall be established and adjusted as required to provide sufficient revenues to meet the expenses of the section in administering sections 4755.60 to 4755.66 of the Revised Code. The fees shall include the following:

(1) A nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination;

(2) An initial license fee;

(3) A biennial license renewal fee;

(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.

The athletic trainers section may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.

(C) All rules under sections 4755.60 to 4755.65 of the Revised Code shall be adopted by the athletic trainers section in accordance with Chapter 119. of the Revised Code.

Sec. 4757.41. (A) This chapter shall not apply to the following:

(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the director of education and workforce under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with developmental disabilities;

(2) Psychologists, independent school psychologists, or school psychologists licensed under Chapter 4732. of the Revised Code;

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of

their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of ~~chemical dependency~~ substance use disorder counseling ~~or~~ , prevention services, or peer support services;

(8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36

U.S.C.A. 1, as amended;

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the commission on rehabilitation counselor certification and is providing rehabilitation counseling services consistent with the commission's standards;

(12) A caseworker not licensed under this chapter as an independent social worker or social worker who is employed by a public children services agency under section 5153.112 of the Revised Code;

(13) A person completing supervised experience to qualify for a license as an art therapist or music therapist, provided that experience is completed under the supervision of a licensed art therapist or music therapist, as applicable.

(B) Divisions (A)(5) and (10) of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

(C) Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including

public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the board. Failure to comply with this division constitutes nonfeasance under section 124.34 of the Revised Code or just cause under a collective bargaining agreement. Nothing in this division restricts the director of administrative services from developing new classifications related to this division or from reassigning affected employees to appropriate classifications based on the employee's duties and qualifications.

(D) Except as provided in division (A) of this section, an employee who was engaged in the practice of professional counseling, social work, or marriage and family therapy in the service of the state prior to July 10, 2014, including public employees as defined by Chapter 4117. of the Revised Code, shall comply with division (C) of this section within two years after July 10, 2014. Any such employee who fails to comply shall be removed from employment.

(E) Nothing in this chapter prevents a public children services agency from employing as a caseworker a person not licensed under this chapter as an independent social worker or social worker who has the qualifications specified in section 5153.112 of the Revised Code.

Sec. 4758.01. As used in this chapter:

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents.

~~(B)(1) "Alcohol and other drug clinical counseling~~

~~principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:~~

~~(a) Analyzing background and current information;~~

~~(b) Exploring possible solutions;~~

~~(c) Developing and providing a treatment plan;~~

~~(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.~~

~~(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.~~

~~(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.~~

~~(D) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.~~

~~(E)~~ (B) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(C) "Family peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development for caregivers and families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability.

(D) "Gambling disorder" means a persistent and recurring maladaptive gambling behavior that is classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases~~, and in editions of those nosologies published after September 15, 2014~~.

~~(F)~~ (E) "Peer recovery support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development for individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, or the caregivers or families of the foregoing.

(F) "Peer supporter" includes a peer recovery supporter, a youth peer supporter, or a family peer supporter certified under this chapter.

(G) "Peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development for individuals, caregivers of, and families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability.

(H) "Prevention services" means ~~a comprehensive, multi-system set of individual and environmental approaches that maximizes physical health, promotes safety, and precludes the onset of behavioral health disorders~~services that are a planned sequence of culturally relevant, evidenced-based strategies designed to reduce the likelihood of, or delay the onset of, mental, emotional, and behavioral disorders.

~~(G)~~(I) Unless the context provides otherwise, "scope of practice" means the services, methods, and techniques in which and the areas for which a person who holds a license, certificate, or endorsement under this chapter is trained and qualified.

~~(H)~~(J) "Substance abuse professional" has the same meaning as in 49 C.F.R. 40.3.

~~(I)~~(K) "Substance use disorder clinical counseling principles, methods, or procedures" means counseling, assessing, treatment planning, crisis intervention, and referral as they relate to substance use disorder conditions.

(L) "Substance use disorder conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases.

(M) "Substance use disorder counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of substance use disorder clinical counseling principles, methods, or procedures.

(N) "~~U.S.~~United States department of transportation drug and alcohol testing program" means a transportation workplace

drug and alcohol testing program governed by 49 C.F.R. part 40.

(O) "Youth peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development primarily for individuals who are thirty years of age or younger with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families.

Sec. 4758.02. ~~(A)~~ Except as provided in section 4758.03 of the Revised Code, no person shall do any of the following:

~~(1)~~ (A) Engage in or represent to the public that the person engages in ~~chemical dependency~~ substance use disorder counseling for a fee, salary, or other consideration unless the person holds a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, or chemical dependency counselor assistant certificate issued under this chapter;

~~(2)~~ (B) Use the title "licensed independent chemical dependency counselor-clinical supervisor," "LICDC-CS," "licensed independent chemical dependency counselor," "LICDC," "licensed chemical dependency counselor III," "LCDC III," "licensed chemical dependency counselor II," "LCDC II," "chemical dependency counselor assistant," "CDCA," or any other title or description incorporating the ~~word~~ words "chemical dependency counselor" or any other initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials;

~~(3)~~ (C) Represent to the public that the person holds a gambling disorder endorsement unless the person holds a valid gambling disorder endorsement issued under this chapter;

~~(4)~~ (D) Represent to the public that the person is a registered applicant unless the person holds a valid registered applicant certificate issued under this chapter;

~~(5)~~ (E) Use the title "~~certified~~ licensed prevention consultant," ~~"CPC,"~~ "~~certified~~ licensed prevention specialist," ~~"CPS,"~~ "certified prevention specialist assistant," ~~"CPSA,"~~ "registered applicant," ~~"RA,"~~ or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials~~.~~

~~(B) No person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I~~;

(F) Beginning one year after the effective date of this amendment, engage in or represent to the public that the person engages in the provision of peer recovery support services, youth peer support services, or family peer support services for a fee, salary, or other consideration unless the person holds a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter;

(G) Beginning one year after the effective date of this amendment, use the title "certified peer supporter," "certified peer recovery supporter," "certified youth peer supporter," "certified family peer supporter," "licensed peer supporter," "licensed peer recovery supporter, "licensed youth peer

supporter, "licensed family peer supporter," "peer supporter," or any other title or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials;

(H) Beginning one year after the effective date of this amendment, represent to the public that the person holds a peer support supervisor endorsement unless the person holds a valid peer support supervisor endorsement issued under this chapter.

Sec. 4758.03. ~~Division (A) of section~~ Section 4758.02 of the Revised Code does not apply to any of the following:

(A) An individual who holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code while performing services within the recognized scope, standards, and ethics of the individual's profession;

(B) An individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the ~~chemical dependency~~ substance use disorder counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in paragraph (h) of 26 Code of Federal Regulations 1.6033-2 (2000) as amended, and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(C) A student in an accredited educational institution

while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and the student is not represented as an individual who holds a license or certificate issued under this chapter.

Sec. 4758.10. (A) There is hereby created the chemical dependency professionals board.

(B) The governor shall appoint all of the following voting members of the board with the advice and consent of the senate:

(1) Four individuals who hold a valid independent chemical dependency counselor-clinical supervisor license or independent chemical dependency counselor license issued under this chapter, including at least two of whom have received ~~at least~~ a master's degree or higher in a field related to ~~chemical dependency~~ substance abuse counseling from an accredited educational institution;

(2) Two individuals who hold a valid chemical dependency counselor III license issued under this chapter;

(3) One individual who holds a valid chemical dependency counselor II license issued under this chapter;

(4) One individual who holds a valid chemical dependency counselor assistant certificate issued under this chapter;

(5) Two individuals who hold a valid prevention consultant ~~certificate~~ license or prevention specialist ~~certificate~~ license issued under this chapter;

~~(5)~~(6) One individual who holds a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter;

(7) One individual who is ~~authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling;~~

~~(6)~~any of the following employed by, or contracted to work for, a community addiction services provider or community mental health services provider as defined in section 5119.01 of the Revised Code:

(a) A psychiatrist as defined in section 5122.01 of the Revised Code;

(b) A clinical nurse specialist licensed under Chapter 4723. of the Revised Code who is certified as a psychiatric-mental health clinical nurse specialist by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(c) A certified nurse practitioner licensed under Chapter 4723. of the Revised Code who is certified as a psychiatric-mental health nurse practitioner by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(d) A psychologist licensed under Chapter 4732. of the Revised Code;

(e) Any of the following licensed under Chapter 4757. of the Revised Code: a licensed professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist.

(8) Two individuals who represent the public and have not practiced ~~chemical dependency~~ substance use disorder counseling—

~~or~~ , prevention services, or peer support services and have not been involved in the delivery of ~~chemical dependency~~ substance use disorder counseling services ~~or~~ , prevention services, or peer support services. At least one of these individuals shall be at least fifty years of age. During their terms, the public members shall not practice ~~chemical dependency~~ substance use disorder counseling ~~or~~ , prevention services, or peer support services or be involved in the delivery of ~~chemical dependency~~ substance use disorder counseling services ~~or~~ , prevention services, or peer support services.

(C) ~~Not later than ninety days after December 23, 2002, the~~ The director of mental health and addiction services shall appoint an individual who represents the department of mental health and addiction services to serve as an ex officio member of the chemical dependency professionals board.

(D) Not more than one-half of the voting members of the board may be of the same gender or members of the same political party. At least two voting members of the board shall be of African, Native American, Hispanic, or Asian descent.

Sec. 4758.11. ~~Of the initial appointees to the chemical dependency professionals board appointed by the governor under division (B) of section 4758.10 of the Revised Code, four shall be appointed for terms ending one year after December 23, 2002, four shall be appointed for terms ending two years after December 23, 2002, and four shall be appointed for terms ending three years after December 23, 2002. After the initial appointments, terms~~ Terms of office of members of the chemical dependency professional board appointed by the governor under section 4758.10 of the Revised Code shall be three years, with each term ending on the same day of the same month of the year

as the term it succeeds.

A voting member of the board shall hold office from the date of appointment until the end of the term for which the member was appointed. A voting member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A voting member shall continue in office after the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Voting members may be reappointed, except that an individual who has held office for two consecutive full terms shall not be reappointed sooner than one year after the expiration of the second full term.

The ex officio member of the board appointed by the director of mental health and addiction services under division (C) of section 4758.10 of the Revised Code shall serve at the pleasure of the director.

Sec. 4758.13. The chemical dependency professionals board shall meet to discuss matters relating to the administration and operation of the board and the regulation of the practices of ~~chemical dependency~~ substance use disorder counseling, peer support services, and prevention services. The board shall hold at least one regular meeting every three months. Additional meetings may be held at such times as the board determines, on the call of the chairperson, or on the written request to the executive director of three or more voting board members. If three or more voting members request a meeting, the executive director shall call a meeting, which shall be held not later than seven days after the request is received.

~~Seven~~ Nine voting members of the board constitute a quorum

to conduct business. Except as provided in section 4758.32 of the Revised Code, no action shall be taken without the concurrence of at least a quorum.

At its first meeting each year, the board shall elect a chairperson from among its voting members. No member shall serve more than two consecutive terms as chairperson.

The board shall keep any records and minutes necessary to fulfill the duties established by this chapter and rules adopted under it.

Sec. 4758.20. (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following:

(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;

(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a ~~U.S.~~United States department of transportation drug and alcohol testing program, the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;

(4) For the purpose of section 4758.24 of the Revised Code, all of the following:

(a) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;

(b) Requirements to obtain the license, certificate, or

endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~and~~ 4758.48, 4758.49, and 4758.491 of the Revised Code. The additional requirements may include ~~preceptorships~~internships and practicums.

(c) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of ~~continuing~~ education ~~courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter~~programs;

(6) For the purpose of section 4758.30 of the Revised Code, all of the following:

(a) The intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

~~(7)~~ (b) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement ~~under division (C) of section 4758.30 of the Revised Code~~, including requirements for determining the amount of time an individual must wait to apply for reinstatement;

~~(8)~~ (c) For the purpose of determining the amount of a fine to be imposed, a graduated system of fines based on the scope and severity of violations and the history of compliance, not to

exceed five hundred dollars per incident.

(7) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

~~(9)~~ (8) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;

~~(10)~~ (9) For the purpose of division ~~(A)(1)~~ (A) of section 4758.39 ~~and~~, division ~~(A)(1)~~ (A) of section 4758.40, and division (A) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing that may include specific content areas and minimum hours for course requirements;

~~(11)~~ (10) For the purpose of division ~~(A)(2)~~ (B) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;

~~(12)~~ (11) For the purpose of division ~~(A)(3)~~ (C) of section 4758.39, division ~~(A)(3)~~ (C) of section 4758.40, division ~~(A)(3)~~ (C) of section 4758.41, and ~~divisions~~ division (A)(3) ~~and (D)(3)~~ of section 4758.42 of the Revised Code, both of the following:

(a) The number of hours of training in ~~chemical dependency~~ substance use disorders an individual must have;

(b) Training requirements for ~~chemical dependency~~ substance use disorders that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

~~(13)~~ (12) For the purpose of division ~~(A)(2)~~ (B) of section 4758.40, division ~~(A)(2)~~ (B) of section 4758.41, and division (A)(2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;

~~(14) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;~~

~~(15) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;~~

~~(16)~~ (13) For the purpose ~~of division (C)(2)~~ of section 4758.42 of the Revised Code, ~~education~~ both of the following:

(a) Education requirements for ~~chemical dependency~~substance use disorders;

~~(17) For the purpose of division (C)(3) of section 4758.42 of the Revised Code, requirements~~ (b) Requirements for programs that provide practicum experience in ~~chemical dependency;~~

~~(18)~~substance use disorders.

(14) For the purpose of ~~division (A) of~~ section 4758.43 of the Revised Code, ~~both~~ all of the following:

(a) The number of hours of training or education in ~~chemical dependency~~ substance use disorder counseling that an individual must have;

(b) Training requirements for ~~chemical dependency~~ substance use disorder counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training;

(c) Requirements for obtaining a chemical dependency counselor preliminary certificate.

~~(19)~~(15) For the purpose of ~~division (A)(1) of~~ section 4758.44 of the Revised Code, ~~the~~ all of the following:

(a) The number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;

~~(20) For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the~~ (b) The field of study in which an individual must obtain ~~at least~~ a bachelor's degree or higher;

~~(21)~~(c) The number of hours of administrative or supervisory education that an individual must have.

(16) For the purpose of division ~~(A)(3)~~(C) of section 4758.44, division ~~(A)(3)~~(C) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following:

(a) The number of hours of prevention-related education that an individual must have;

(b) Requirements for prevention-related education.

~~(22) For the purpose of division (A)(4) of section 4758.44~~

~~of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;~~

~~(23)~~(17) For the purpose of ~~division (A)(1) of~~ section 4758.45 of the Revised Code, ~~the~~ both of the following:

(a) The number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have and the number of those hours that must be in planning or delivering the services;

~~(24) For the purpose of division (A)(2) of section 4758.45 of the Revised Code, the~~ (b) The field of study in which an individual must obtain ~~at least~~ an associate's degree~~;~~

~~(25)~~ or higher.

(18) For the purpose of division (C) of section 4758.46 of the Revised Code, the number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have;

~~(26)~~(19) Standards for the one hundred hours of compensated work or supervised internship in gambling disorder direct clinical experience required by division (B)(2) of section 4758.48 of the Revised Code;

~~(27)~~(20) For the purpose of section 4758.49 of the Revised Code, both of the following:

(a) The equivalent of a high school diploma acceptable for certification;

(b) Standards and number of required hours for the competency-based peer services training.

(21) For the purpose of section 4758.491 of the Revised

Code, both of the following:

(a) The number of hours of online learning that an individual is required to complete;

(b) Standards for the supervising peers training program that an individual is required to complete.

(22) For the purpose of section 4758.51 of the Revised Code, ~~continuing~~ both of the following:

(a) Continuing education requirements for individuals who hold a license, certificate, or endorsement issued under this chapter;

~~(28) For the purpose of section 4758.51 of the Revised Code, the~~ (b) The number of hours of continuing education that an individual must complete to have an expired license, certificate, or endorsement restored under section 4758.26 of the Revised Code~~;~~

~~(29) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;~~

~~(30)~~.

(23) The duties, which may differ, of all of the following:

(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or

chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;

(c) A prevention consultant or prevention specialist ~~certified~~ licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.

~~(31)~~(24) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 of the Revised Code, standards for the practice of prevention services, including specifications that require prevention services to be all of the following:

(a) Intentionally designed to reduce risk or promote health before the onset of a disorder;

(b) Population-focused and targeted to specific levels of risk;

(c) Reserved for interventions designed to reduce the occurrence of new cases of mental, emotional, and behavioral disorders, and not be used for clinical assessment, treatment, relapse and recovery support services, or medications of any type.

(26) For the purpose of section 4758.65 of the Revised Code, both of the following:

(a) Any additional competencies that may be promoted by a

peer supporter;

(b) Any additional tasks within a peer supporter's scope of practice.

(27) For the purposes of section 4758.651 of the Revised Code, training requirements for supervisors of peer supporters who do not hold a peer support supervisor endorsement issued under this chapter;

(28) Anything else the board considers necessary to administer this chapter.

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.

(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in ~~chemical dependency~~ substance use disorder counseling ~~or~~, prevention services, or peer support services.

Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following:

(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;

(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical

dependency counselor assistant certificate, peer recovery supporter certificate, youth peer supporter certificate, family peer supporter certificate, prevention consultant ~~certificate~~license, prevention specialist ~~certificate~~license, prevention specialist assistant certificate, or registered applicant certificate;

(3) Issuing ~~an initial~~ a gambling disorder endorsement;

(4) Issuing a peer support supervisor endorsement;

(5) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, peer recovery supporter certificate, youth peer supporter certificate, family peer supporter certificate, prevention consultant ~~certificate~~license, prevention specialist ~~certificate~~license, or prevention specialist assistant certificate;

~~(5)~~(6) Renewing a gambling disorder endorsement;

~~(6)~~(7) Renewing a peer support supervisor endorsement;

(8) Approving ~~continuing~~ education ~~courses~~ programs under section 4758.28 of the Revised Code, except for online learning courses administered by the department of mental health and addiction services for the purposes of section 4758.49 of the Revised Code;

~~(7)~~(9) Doing anything else the board determines necessary to administer this chapter.

(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient

to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license, certificate, or endorsement and the renewal of a license, certificate, or endorsement may differ for the various types of licenses, certificates, or endorsements, but shall not exceed one hundred seventy-five dollars each, unless the board determines that amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.

(C) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.

Sec. 4758.22. The chemical dependency professionals board shall prepare, cause to be prepared, or procure the use of, and grade, cause to be graded, or procure the grading of, examinations to determine the competence of individuals seeking an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, peer recovery supporter certificate, youth peer supporter certificate, family peer supporter certificate, prevention consultant ~~certificate~~license, or prevention specialist ~~certificate~~license. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in ~~chemical dependency~~ substance use disorder counseling ~~or~~ , prevention services, or peer support services. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a

passing score.

An individual may not sit for an examination administered pursuant to this section unless the individual meets the requirements to obtain the license or certificate the individual seeks, other than the requirement to have passed the examination, and pays the fee established under section 4758.21 of the Revised Code. An individual who is denied admission to the examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

Sec. 4758.221. In accordance with rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals board may administer examinations for individuals seeking to act as substance abuse professionals in a ~~U.S.~~United States department of transportation drug and alcohol testing program. If it elects to administer the examinations, the board shall use examinations that comprehensively cover all the elements of substance abuse professional qualification training listed in 49 C.F.R. 40.281(c)(1) and are prepared by a nationally recognized professional or training organization that represents the interests of those involved in ~~chemical dependency~~ substance use disorder counseling services.

Sec. 4758.23. (A) In rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals board shall establish codes of ethical practice and professional conduct for the following:

(1) Individuals who hold a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, or chemical dependency counselor assistant certificate issued

under this chapter;

(2) Individuals who hold a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter;

(3) Individuals who hold a valid prevention consultant ~~certificate~~license, prevention specialist ~~certificate~~license, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter;

~~(3)~~(4) Individuals who hold a valid peer support supervisor endorsement;

(5) Individuals who hold a valid gambling disorder endorsement.

(B) The codes for individuals identified under division ~~(A)(1)~~(A) of this section shall define unprofessional conduct, which shall include engaging in ~~a dual relationship~~ multiple relationships with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.

~~(C)~~ The codes for individuals identified under ~~division (A)(1)~~divisions (A)(1) to (4) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in ~~chemical dependency~~ substance use disorder counseling, peer support services, or prevention services. ~~The codes for individuals identified under division (A)(2) of this section may be based on any codes of ethical practice and professional conduct developed by national~~

~~associations or other organizations representing the interests of those involved in prevention services.~~ The board may establish standards in the codes that are more stringent than those established by the national associations or other organizations.

Sec. 4758.24. (A) The chemical dependency professionals board shall issue a license, certificate, or endorsement under this chapter to an individual who meets all of the following requirements:

(1) ~~Except as provided in section 4758.241 of the Revised Code, submits~~ Submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code;

(2) ~~Except as provided in section 4758.241 of the Revised Code, pays~~ Pays the fee established under section 4758.21 of the Revised Code for the license, certificate, or endorsement that the individual seeks;

(3) Meets the requirements to obtain the license, certificate, or endorsement that the individual seeks as specified in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or~~ 4758.48, 4758.49, or 4758.491 of the Revised Code;

(4) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license, certificate, or endorsement issued under this chapter shall comply with sections 4776.01 to 4776.04 of the Revised Code. The

board shall not grant a license, certificate, or endorsement to an applicant for an initial license, certificate, or endorsement issued under this chapter unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

(C) The board shall not ~~do either of the following:~~

~~(1) Issue a certificate to practice as a chemical dependency counselor I;~~

~~(2) Issue~~ issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised Code, a license, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:

(1) In the case of ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant, thirteen months;

(2) In the case of any other license, certificate, or endorsement, two years.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals board shall renew a license, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and ~~does the following:~~

~~(1) In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~

~~(2) In the case of any other individual,~~ satisfies the continuing education requirements established under section 4758.51 of the Revised Code.

(C) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, a license, certificate, or endorsement issued under this chapter that has expired may be restored if the individual seeking the restoration, not later than one year after the license, certificate, or endorsement expires, applies for restoration of the license, certificate, or endorsement. The board shall issue a restored license, certificate, or endorsement to the individual if the individual pays the renewal fee established under section 4758.21 of the Revised Code and ~~does the following:~~

~~(1) In the case of an individual whose initial chemical dependency counselor assistant certificate expired, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~

~~(2) In the case of any other individual,~~ satisfies the continuing education requirements established under section 4758.51 of the Revised Code for restoring the license, certificate, or endorsement.

The board shall not require an individual to take an examination as a condition of having an expired license, certificate, or endorsement restored under this section.

Sec. 4758.27. The chemical dependency professionals board shall not renew or restore under section 4758.26 of the Revised Code either of the following:

(A) A ~~certificate to practice as a~~ chemical dependency counselor ~~I~~assistant preliminary certificate;

(B) A registered applicant certificate.

Sec. 4758.28. The chemical dependency professionals board shall approve, in accordance with rules adopted under section 4758.20 of the Revised Code and subject to payment of the fee established under section 4758.21 of the Revised Code, ~~continuing~~ education ~~courses of study for individuals who hold~~ programs that may be completed to meet the requirements to receive an initial license, certificate, or endorsement issued under this chapter or the renewal of a license, certificate, or endorsement issued under this chapter. Programs that may be approved under this section include degree and certificate training programs offered by accredited educational institutions, other training programs selected by the board, and continuing education courses.

Sec. 4758.30. (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may, except as provided in division (B) of this section, refuse to issue a license, certificate, or endorsement applied for under this chapter; refuse to renew or restore a license, certificate, or endorsement issued under this chapter; suspend, revoke, or otherwise restrict a license, certificate, or endorsement issued under this chapter; ~~or~~ reprimand an individual holding a license, certificate, or endorsement issued under this chapter; or impose a fine, in an amount determined in accordance with rules adopted under section 4758.20 of the Revised Code, against

an individual holding a license, certificate, or endorsement under this chapter. These actions may be taken by the board regarding the applicant for a license, certificate, or endorsement or the individual holding a license, certificate, or endorsement for one or more of the following reasons:

(1) Violation of any provision of this chapter or rules adopted under it;

(2) Knowingly making a false statement on an application for a license, certificate, or endorsement or for renewal, restoration, or reinstatement of a license, certificate, or endorsement;

(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing ~~chemical dependency~~ substance use disorder counseling, peer support services, prevention services, gambling disorder counseling, or fields related to ~~chemical dependency counseling, prevention services, or gambling disorder counseling~~any of the foregoing;

(4) Conviction in this state or any other ~~state~~ jurisdiction of any crime that is a felony in this state;

(5) Conviction in this state or any other ~~state~~ jurisdiction of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, peer recovery supporter, youth peer supporter, family peer supporter, prevention consultant, gambling disorder endorsee, prevention

specialist, prevention specialist assistant, or registered applicant;

(6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, peer recovery supporter, youth peer supporter, family peer supporter, gambling disorder endorsee, prevention consultant, prevention specialist, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or ~~other physical or~~ by reason of mental ~~condition~~illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(7) Practicing outside the individual's scope of practice;

(8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, ~~or~~ 4758.62, or 4758.65 of the Revised Code;

(9) Violation of the code of ethical practice and professional conduct for ~~chemical dependency~~ substance use disorder counseling, peer support services, prevention services, or gambling disorder counseling adopted by the board pursuant to section 4758.23 of the Revised Code;

(10) Revocation of a license, certificate, or endorsement or voluntary surrender of a license, certificate, or endorsement in another state or jurisdiction for an offense that would be a violation of this chapter.

(B) The board shall not refuse to issue a license, certificate, or endorsement to an applicant because of a

criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) An individual whose license, certificate, or endorsement has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license, certificate, or endorsement that has been suspended or revoked.

Sec. 4758.31. The chemical dependency professionals board shall investigate alleged violations of this chapter or the rules adopted under it and alleged irregularities in the delivery of ~~chemical dependency~~ substance use disorder counseling services, peer support services, prevention services, or gambling disorder counseling services by individuals who hold a license, certificate, or endorsement issued under this chapter. As part of an investigation, the board may issue subpoenas, examine witnesses, and administer oaths.

The board may receive any information necessary to conduct an investigation under this section that has been obtained in accordance with federal laws and regulations. If the board is investigating the provision of ~~chemical dependency~~ substance use disorder counseling services or gambling disorder counseling services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation.

The board shall ensure, in accordance with rules adopted under section 4758.20 of the Revised Code, that all records it holds pertaining to an investigation remain confidential during

the investigation. After the investigation, the records are public records except as otherwise provided by federal or state law.

Sec. 4758.35. (A) An individual seeking a license, certificate, or endorsement issued under this chapter shall ~~file with~~ submit an application to the chemical dependency professionals board ~~a written application on a form prescribed by~~ in a manner that the board shall prescribe. Each ~~form~~ application shall state that a false statement made on the ~~form~~ application is the crime of falsification under section 2921.13 of the Revised Code.

(B) The board shall require an individual or individuals employed by the board under section 4758.15 of the Revised Code to do both of the following in accordance with criteria established by rules adopted under section 4758.20 of the Revised Code:

(1) Receive and review all applications submitted to the board;

(2) Submit to the board all applications the individual or individuals recommend the board review based on the criteria established in the rules.

(C) The board shall review all applications submitted to the board pursuant to division (B)(2) of this section.

Sec. 4758.36. As part of the review process under division (C) of section 4758.35 of the Revised Code of an application submitted by an applicant whose education or experience in ~~chemical dependency~~ substance use disorder counseling, peer support services, prevention services, or gambling disorder counseling was obtained outside the United States, or whose

education and experience both were obtained outside the United States, the chemical dependency professionals board shall determine whether the applicant's command of the English language and education or experience meet the standards required by this chapter and rules adopted under it.

Sec. 4758.39. An individual seeking an independent chemical dependency counselor-clinical supervisor license shall meet ~~the requirements of division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an individual must meet~~ all of the following requirements:

~~(1)~~ (A) Hold from an accredited educational institution ~~at least~~ a master's degree or higher in either a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

~~(2)~~ (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience, including at least the number of hours specified in those rules of clinical supervisory experience, in any of the following, not less than twenty per cent of which are in ~~chemical dependency~~ substance use disorder counseling:

~~(a) Chemical dependency services, substance abuse services, or both types of services~~(1) The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking an independent chemical dependency counselor-clinical supervisor license;

~~(b)~~ (2) The practice of psychology, as defined in section 4732.01 of the Revised Code;

~~(c)~~ (3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

~~(3)~~ (C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in ~~chemical dependency~~ substance use disorders that meets the requirements specified in those rules;

~~(4)~~ (D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes the clinical supervision of ~~chemical dependency~~ substance use disorder counseling, ~~chemical dependency~~ substance use disorder counseling, and diagnosing and treating ~~chemical dependency~~ substance use disorder conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor-clinical supervisor.

~~(B) To meet the requirement of this division, an individual must hold, on March 22, 2013, a valid independent chemical dependency counselor license.~~

Sec. 4758.40. An individual seeking an independent chemical dependency counselor license shall ~~meet the requirements of division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an individual must~~ meet all of the following requirements:

~~(1)~~ (A) Hold from an accredited educational institution ~~at least~~ a master's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules

adopted under section 4758.20 of the Revised Code;

~~(2)~~ (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in ~~chemical dependency~~ substance use disorder counseling:

~~(a) Chemical dependency services, substance abuse services, or both types of services~~(1) The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking an independent chemical dependency counselor license;

~~(b)~~ (2) The practice of psychology, as defined in section 4732.01 of the Revised Code;

~~(c)~~ (3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

~~(3)~~ (C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in ~~chemical dependency~~ substance use disorders that meets the requirements specified in those rules;

~~(4)~~ (D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes ~~chemical dependency~~ substance use disorder counseling and diagnosing and treating ~~chemical dependency~~ substance use disorder conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency

counselor.

~~(B) To meet the requirements of this division, an individual must meet both of the following requirements:~~

~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;~~

~~(2) Meet one of the following requirements:~~

~~(a) Hold the degree described in division (A)(1) of this section;~~

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of this section may provide the portion of the training on chemical dependency conditions.~~

Sec. 4758.41. An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division~~

~~(A), (B), or (C) of this section.~~

~~(A) To meet the requirements of this division, an individual must~~ meet all of the following requirements:

~~(1)~~ (A) Hold from an accredited educational institution ~~at least~~ a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

~~(2)~~ (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in ~~chemical dependency~~ substance use disorder counseling:

~~(a) Chemical dependency services, substance abuse services, or both types of services~~(1) The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking a chemical dependency counselor III license;

~~(b)~~ (2) The practice of psychology, as defined in section 4732.01 of the Revised Code;

~~(c)~~ (3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

~~(3)~~ (C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in ~~chemical dependency~~ substance use disorders that meets the requirements specified in those rules;

~~(4)~~ (D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another

chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes ~~chemical dependency~~ substance use disorder counseling and diagnosing and treating ~~chemical dependency~~ substance use disorder conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor III.

~~(B) To meet the requirements of this division, an individual must meet both of the following requirements:~~

~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;~~

~~(2) Have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions.~~

~~(C) To meet the requirements of this division, an~~

~~individual must meet all of the following requirements:~~

~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;~~

~~(2) Meet the requirement of division (B)(2) of this section;~~

~~(3) Hold a bachelor's degree in a behavioral science.~~

Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet the requirements of division (A)~~,~~ or (B)~~, or (C)~~ of this section~~ or, until three years after the effective date of this amendment, division (A), (B), (C), or (D) of this section~~.

(A) To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;

(2) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in ~~chemical dependency~~ substance use disorder counseling:

(a) ~~Chemical dependency services, substance abuse services, or both types of services~~The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking a chemical dependency counselor II license;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code;

(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in ~~chemical dependency~~ substance use disorders that meets the requirements specified in those rules;

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.

(B) ~~To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.~~

~~(C)~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's or bachelor's degree in either of the following with a specialization in ~~chemical dependency~~ substance use disorder counseling:

(a) A behavioral science;

(b) Nursing.

(2) Have a minimum of one hundred eighty hours of education in ~~chemical dependency~~ substance use disorders that

meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(3) While holding a valid chemical dependency counselor assistant certificate, have successfully completed, over the course of not more than any two semesters, at least two hundred forty hours of supervised practicum experience in ~~chemical dependency~~ substance use disorder treatment through a program that meets all of the following requirements:

(a) The program includes at least two hours per week of supervised practicum experience;

(b) The program provides intensive outpatient treatment or a higher level of care, or another level of care if specified in rules adopted under section 4758.20 of the Revised Code;

(c) The program meets other requirements specified in rules adopted under that section.

(4) Have at least one thousand hours of compensated work experience as a chemical dependency counselor assistant;

(5) Provide to the chemical dependency professionals board a written recommendation from an individual who supervised the individual's practice of ~~chemical dependency~~ substance use disorder counseling as a chemical dependency counselor assistant as required by division (B) of section 4758.59 of the Revised Code;

(6) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.

~~(D) To meet the requirements of this division, an~~

~~individual must meet all of the following requirements:~~

~~(1) Since at least December 31, 2008, continuously have done both of the following:~~

~~(a) Held a valid chemical dependency counselor assistant certificate;~~

~~(b) Practiced chemical dependency counseling while under supervision as required by division (B) of section 4758.59 of the Revised Code.~~

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~

Sec. 4758.43. An individual seeking a chemical dependency counselor assistant certificate shall meet ~~either~~ all of the following requirements:

(A) Be at least eighteen years of age;

(B) Hold a high school diploma, a certificate of high school equivalence, or a higher degree;

(C) Have at least the number of hours in training or

education specified in rules adopted under section 4758.20 of the Revised Code ~~of training in chemical dependency~~ related to substance use disorder counseling ~~that meets the requirements specified in those rules~~;

~~(B) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a registered candidate~~(D) Obtain a chemical dependency counselor preliminary certificate in accordance with rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.44. An individual seeking a prevention consultant ~~certificate~~ license shall ~~meet the requirements of division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an individual must~~ meet all of the following requirements:

~~(1)~~(A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work experience in prevention services, including at least the number of hours specified in those rules of administering or supervising the services;

~~(2)~~(B) Hold from an accredited educational institution ~~at least~~ a bachelor's degree or higher in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

~~(3)~~(C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

~~(4)~~(D) Have at least the number of hours specified in

rules adopted under section 4758.20 of the Revised Code of administrative or supervisory education;

~~(5)~~ (E) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention consultant.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist II.~~

Sec. 4758.45. An individual seeking a prevention specialist ~~certificate~~ license shall ~~meet the requirements of division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an individual must~~ meet all of the following requirements:

~~(1)~~ (A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number of hours specified in those rules of planning or delivering the services;

~~(2)~~ (B) Hold from an accredited educational institution ~~at least~~ an associate's degree or higher in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

~~(3)~~ (C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

~~(4)~~ (D) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.~~

Sec. 4758.46. An individual seeking a prevention specialist assistant certificate shall meet all of the following requirements:

(A) Be at least eighteen years of age;

(B) Have ~~at least~~ a high school diploma ~~or~~ , a certificate of high school equivalence, or a higher degree;

(C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services;

(D) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules.

Sec. 4758.47. An individual seeking a registered applicant certificate shall meet all of the following requirements:

(A) Be at least eighteen years of age;

(B) Have ~~at least~~ a high school diploma ~~or~~ , a certificate of high school equivalence, or a higher degree;

(C) Submit to the chemical dependency professionals board a professional development plan that is acceptable to the board.

Sec. 4758.49. (A) An individual seeking a peer recovery supporter certificate shall meet all of the following requirements:

(1) Be at least eighteen years of age;

(2) Hold a high school diploma, the equivalent of a high school diploma as determined by the board in rules adopted under section 4758.20 of the Revised Code, or a higher degree;

(3) Attest that the individual has direct lived experience with mental illness or substance use disorder and is in recovery from a mental illness or substance use disorder;

(4) Complete at least the number of hours of competency-based peer services training specified in rules adopted under section 4758.20 of the Revised Code;

(5) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a peer recovery supporter;

(6) Attest to having read and understood the code of ethical practice and professional conduct established under section 4758.23 of the Revised Code for peer recovery supporters.

(B) An individual seeking a youth peer supporter certificate shall meet all of the following requirements:

(1) Be at least eighteen years of age but not more than thirty years of age;

(2) Hold a high school diploma, the equivalent of a high

school diploma as determined by the board in rules adopted under section 4758.20 of the Revised Code, or a higher degree;

(3) Attest that the individual has direct lived experience with the behavioral health system and other child or youth services systems;

(4) Complete at least the number of hours of competency-based peer services training, including training specific to youth peer support services, specified in rules adopted under section 4758.20 of the Revised Code;

(5) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a youth peer supporter;

(6) Attest to having read and understood the code of ethical practice and professional conduct established under section 4758.23 of the Revised Code for youth peer supporters.

(C) An individual seeking a family peer supporter certificate shall meet all of the following requirements:

(1) Be at least twenty-one years of age;

(2) Hold a high school diploma, the equivalent of a high school diploma as determined by the board in rules adopted under section 4758.20 of the Revised Code, or a higher degree;

(3) Attest that the individual has direct lived experience as the caregiver of an individual with mental illness or substance use disorder and has successfully navigated service systems for at least one year on behalf of the individual;

(4) Complete at least the number of hours of competency-based peer services training, including training specific to family peer support services, specified in rules adopted under

section 4758.20 of the Revised Code;

(5) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a family peer supporter;

(6) Attest to having read and understood the code of ethical practice and professional conduct established under section 4758.23 of the Revised Code for family peer supporters.

Sec. 4758.491. An individual seeking a peer support supervisor endorsement shall meet all of the following requirements:

(A) Hold an active independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II license, or peer recovery supporter, youth peer supporter, or family peer supporter certificate issued under this chapter;

(B) Have provided services under either of the following for at least two years:

(1) An active license or certification described in division (A) of this section;

(2) A peer recovery supporter, youth peer supporter, or family peer supporter certificate issued by the department of mental health and addiction services prior to one year after the effective date of this section.

(C) Complete the number of hours of online learning specified in rules adopted under section 4758.20 of the Revised Code;

(D) Complete a supervising peers training program that meets the standards established in rules adopted under section

4758.20 of the Revised Code.

Sec. 4758.51. (A) Except as provided in division (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, shall complete during the period that the license, certificate, or endorsement is in effect not less than the following number of clock hours of continuing education as a condition of receiving a renewed license, certificate, or endorsement:

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty;

(2) In the case of an individual holding a gambling disorder endorsement, six;

(3) In the case of any other individual, thirty, except as follows:

(a) If the individual is age sixty-five years or older, twenty;

(b) If the individual holds an international certificate from the international certification and reciprocity consortium, the number of clock hours required by the consortium.

(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving

a restored license, certificate, or endorsement.

(C) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

Sec. 4758.54. In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following:

(A) Diagnose and treat ~~chemical dependency~~ substance use disorder conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to ~~abuse of and dependency on alcohol and other drugs~~behavioral health conditions related to substance use disorder;

(C) Provide clinical supervision of ~~chemical dependency~~ substance use disorder counseling~~;~~

~~(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help~~.

Sec. 4758.55. In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid independent chemical dependency counselor license may do all of the following:

(A) Diagnose and treat ~~chemical dependency~~ substance use disorder conditions;

(B) Perform treatment planning, assessment, crisis

intervention, individual and group counseling, case management, and education services as they relate to ~~abuse of and dependency on alcohol and other drugs~~behavioral health conditions related to substance use disorder;

(C) Provide clinical supervision of ~~chemical dependency~~ substance use disorder counseling under the supervision of any of the following:

(1) An independent chemical dependency counselor-clinical supervisor licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist;

(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.

~~(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help.~~

Sec. 4758.56. (A) In addition to practicing ~~chemical~~

~~dependency~~ substance use disorder counseling, an individual holding a valid chemical dependency counselor III license may do all of the following:

(1) Diagnose ~~chemical dependency~~ substance use disorder conditions under the supervision of any of the professionals listed in section 4758.561 of the Revised Code;

(2) Treat ~~chemical dependency~~ substance use disorder conditions;

(3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to ~~abuse of and dependency on alcohol and other drugs~~behavioral health conditions related to substance use disorder;

(4) Provide clinical supervision of ~~chemical dependency~~ substance use disorder counseling under the supervision of any of the professionals listed in section 4758.561 of the Revised Code~~;~~

~~(5) Refer individuals with nonchemical dependency conditions to appropriate sources of help~~.

(B) A chemical dependency counselor III may not practice as an individual practitioner.

Sec. 4758.57. (A) In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid chemical dependency counselor II license may ~~do both of the following:~~

~~(1) Perform~~ perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to ~~abuse of and dependency~~

~~on alcohol and other drugs;~~

~~(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help~~behavioral health conditions related to substance use disorder.

(B) A chemical dependency counselor II may not practice as an individual practitioner.

Sec. 4758.59. (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate ~~may do both of the following~~, in addition to practicing chemical dependency counseling~~:~~

~~(1) Perform~~ , may perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to ~~abuse of or dependency on alcohol and other drugs;~~

~~(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help~~behavioral health conditions related to substance use disorder.

(B) An individual holding a valid chemical dependency counselor assistant certificate may practice ~~chemical dependency~~ substance use disorder counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following:

(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist;

(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.

(C) A chemical dependency counselor assistant may not practice as an individual practitioner.

Sec. 4758.60. An individual who holds a valid prevention consultant ~~certificate~~ license or prevention specialist ~~certificate~~ license issued under this chapter may engage in the practice of prevention services as specified in rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of prevention services, as specified in rules adopted under section 4758.20 of the Revised Code, under the supervision of any of the following:

(A) A prevention consultant or prevention specialist ~~certified~~ licensed under this chapter;

(B) An individual authorized under Chapter 4731. of the

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(C) A psychologist licensed under Chapter 4732. of the Revised Code;

(D) A registered nurse licensed under Chapter 4723. of the Revised Code;

(E) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(F) A school counselor licensed by the state board of education pursuant to section 3319.22 of the Revised Code;

(G) A health education specialist certified by the national commission for health education credentialing;

(H) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.

Sec. 4758.62. An individual who holds an independent chemical dependency counselor license and a gambling disorder endorsement may do all of the following:

(A) Diagnose and treat gambling disorder conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders;

(C) Supervise gambling disorder counseling~~; and~~

~~(D) Refer individuals with other gambling conditions to appropriate sources of help~~.

Sec. 4758.63. An individual who holds a chemical dependency counselor III license and a gambling disorder endorsement may do all of the following:

(A) Treat gambling disorder conditions;

(B) Diagnose gambling disorder conditions under supervision;

(C) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders;

(D) Supervise gambling disorder counseling under supervision~~; and~~

~~(E) Refer individuals with other gambling conditions to appropriate sources of help~~.

The supervision required by divisions (B) and (D) of this section shall be provided by an independent chemical dependency counselor licensed under this chapter; an individual authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code; a psychologist licensed under Chapter 4732. of the Revised Code; an individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code; a registered nurse licensed under Chapter 4723. of the Revised Code; or a professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.

An individual holding a chemical dependency counselor III license shall not practice as an individual practitioner.

Sec. 4758.64. (A) An individual who holds a chemical dependency counselor II license and a gambling disorder endorsement may do ~~all~~ both of the following:

~~(A)~~ (1) Treat gambling disorder conditions;

~~(B)~~ (2) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders~~; and~~

~~(C) Refer individuals with other gambling conditions to appropriate sources of help~~.

(B) An individual holding a chemical dependency II license shall not practice as an individual practitioner.

Sec. 4758.65. (A) The activities described in division (B) of this section may be performed only under the supervision of an individual described in section 4758.651 of the Revised Code.

(B)(1) A peer supporter certified under this chapter may work with the following populations:

(a) In the case of a peer recovery supporter, individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families;

(b) In the case of a youth peer supporter, individuals who primarily are thirty years of age or younger with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families;

(c) In the case of a family peer supporter, caregivers or families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability.

(2) A peer supporter certified under this chapter may promote any of the following competencies for the populations within the peer supporter's scope of practice as specified in division (B)(1) of this section:

(a) Resiliency and recovery;

(b) Self-determination;

(c) Advocacy;

(d) Well-being;

(e) Skill development;

(f) Any other competencies specified in rules adopted pursuant to section 4758.20 of the Revised Code.

(3) A peer supporter may perform any other tasks within the peer supporter's scope of practice as established in rules adopted pursuant to section 4758.20 of the Revised Code.

(C) A peer supporter may not practice as an individual practitioner.

Sec. 4758.651. For purposes of section 4758.65 of the Revised Code, any of the following may supervise a peer supporter certified under this chapter:

(A) A peer recovery supporter, youth peer supporter, or family peer supporter certified under this chapter who holds a peer support supervisor endorsement issued under this chapter;

(B) A chemical dependency counselor II, chemical

dependency counselor III, or independent chemical dependency counselor licensed under this chapter who holds a peer support supervisor endorsement issued under this chapter;

(C) Any of the following who has completed the training requirements specified in rules adopted under section 4758.20 of the Revised Code to supervise peer supporters without holding a peer support supervisor endorsement issued under this chapter:

(1) A social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code, if such supervision is consistent with the scope of practice of the social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;

(2) A psychologist licensed under Chapter 4732. of the Revised Code;

(3) A psychiatrist, as defined in section 5122.01 of the Revised Code.

Sec. 4758.70. (A) Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in either of the following:

~~(A)~~ (1) The practice of psychology as defined in section 4732.01 of the Revised Code;

~~(B)~~ (2) The practice of professional counseling, practice of social work, or practice of marriage and family therapy, as those terms are defined in section 4757.01 of the Revised Code.

(B) Peer recovery supporters, youth peer supporters, or family peer supporters certified under this chapter are not authorized to engage in the practice of substance use disorder counseling or prevention services.

Sec. 4758.80. An independent chemical dependency counselor, peer recovery supporter, youth peer supporter, or family peer supporter may provide telehealth services in accordance with section 4743.09 of the Revised Code.

Sec. 4758.99. Whoever violates ~~division (A) or (B) of~~ section 4758.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree.

Sec. 4775.07. (A) Any person required to be registered as a motor vehicle repair operator shall apply to the motor vehicle repair board upon forms prescribed by the board. The forms shall contain sufficient information to identify the applicant, including name, address, state tax identification number, and any other identifying data prescribed by rule of the board. If the applicant is a partnership, identifying data as prescribed by the board may be required for each partner. If the applicant is a corporation, identifying data may be required for each officer of the corporation and each person in charge of each place of the motor vehicle repair operator's business in this state. The applicant shall affirm the application by oath. The applicant shall include with the application the initial registration fee ~~set forth in~~ established under section 4775.08 of the Revised Code and proof satisfactory to the board that the applicant has a current state and federal tax identification number, a valid vendor's license issued pursuant to section

5739.17 of the Revised Code, a United States environmental protection agency identification number issued under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended, and regulations adopted under that act, proof of possession of all permits required under Chapter 3704. of the Revised Code, general liability insurance and liability insurance that protects a person against liability for damage to motor vehicles in the applicant's care, custody, or control in an amount and form that conforms to the rules the board adopts under section 4775.04 of the Revised Code, and coverage under Chapters 4123. and 4141. of the Revised Code. In addition, the applicant shall affirm that the applicant is in compliance with all applicable federal and state statutes and rules and all local ordinances and resolutions, including all applicable zoning regulations.

(B) Upon receipt of the completed application form and fees and after the board determines that the applicant meets the requirements for registration under division (A) of this section, the board shall direct the executive director to issue a registration certificate to the applicant for each place of business. The motor vehicle repair operator shall display the registration certificate in a conspicuous place on the premises of the business for which the registration is obtained. The board and director shall issue a registration certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or registration certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as

described in that chapter as a motor vehicle repair operator in a state that does not issue that license or registration certificate.

(C) Each registration certificate issued under this section expires annually on the date of its original issuance and may be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The application for a renewal of a registration certificate shall be accompanied by the same information and proof as is required to accompany an initial application under division (A) of this section.

(D) When a motor vehicle repair operator experiences a change in any information or data required under division (A) of this section or by rule of the board for registration as a motor vehicle repair operator, the motor vehicle repair operator shall submit written notification of the change to the board within sixty days after the date that the information becomes obsolete. If a motor vehicle repair operator fails to submit the written notification of a change in information or data within sixty days after the change in information or data, the operator's registration certificate is automatically suspended, except that the board may waive the suspension for good cause shown.

(E) Notwithstanding section 5703.21 of the Revised Code, the department of taxation may disclose to the board any information necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number.

Sec. 4775.08. (A) The initial and annual renewal fee for a motor vehicle repair registration certificate and for a temporary motor vehicle repair registration certificate ~~is one hundred fifty dollars~~ for each business location at which the

motor vehicle repair operator conducts business as an operator~~, except that~~ shall be established in rules the motor vehicle repair board~~, with the approval of the controlling board, may establish fees in excess of or less than that amount, provided that such fees do not exceed or are not less than that amount by more than fifty per cent~~ adopts under section 4775.04 of the Revised Code.

The board shall establish and adjust the fees as necessary in order to provide for the expenses associated with carrying out this chapter.

(B) If the board has notified or attempted to notify a motor vehicle repair operator that the operator is required to be registered under this chapter, and the operator fails to register, the initial fee for the registration of such an unregistered operator for each business location at which the operator conducts business as an operator, is the initial fee then in effect plus an additional amount equal to the initial fee then in effect for each calendar year that the operator is not registered after the board has notified or attempted to notify the operator.

(C) The board shall deposit all fees and fines collected under this chapter into the occupational licensing and regulatory fund created by section 4743.05 of the Revised Code.

Sec. 4776.01. As used in this chapter:

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the

privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by the division of marijuana control, as the applicable licensing agency, to meet the requirements for employment.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. "Applicant for a restored license" does not include a person seeking restoration of a license under section 4751.33 of the Revised Code.

(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

Sec. 4776.20. (A) As used in this section:

(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to

issue a license.

(2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government entity authorized to issue a license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code.

(3) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) On a licensee's conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the licensee's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the licensee's license.

(C) If there is a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code and all or part of the violation occurred on the premises of a facility that is licensed by a licensing agency, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the facility's name and address and the offender's name and residential address. On receipt of this notification, the

licensing agency shall immediately suspend the facility's license.

(D) Notwithstanding any provision of the Revised Code to the contrary, the suspension of a license under division (B) or (C) of this section shall be implemented by a licensing agency without a prior hearing. After the suspension, the licensing agency shall give written notice to the subject of the suspension of the right to request a hearing under Chapter 119. of the Revised Code. After a hearing is held, the licensing agency shall either revoke or permanently revoke the license of the subject of the suspension, unless it determines that the license holder has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code.

Sec. 4779.21. The Ohio occupational therapy, physical therapy, and athletic trainers board shall maintain records regarding the practice of orthotics, prosthetics, and pedorthics under this chapter, including records of the board's proceedings, a registry of all applicants for licensure that indicates whether the applicant was granted a license, and any other records necessary to carry out the provisions of this chapter. A registry or record kept pursuant to this section is subject to section 4798.10 of the Revised Code.

Sec. 4785.041. (A) The division of industrial compliance within the department of commerce may renew a license issued under section 4785.04 of the Revised Code if the licensee does all of the following:

(1) Submits an application for license renewal on a form prescribed by the division;

(2) Pays the license renewal fee established by the division;

(3) If the licensee is an elevator mechanic, submits evidence that the applicant has completed the continuing education coursework described in division (B) of this section;

(4) If the license is an elevator contractor's license, submits proof that the applicant is in compliance with the insurance requirements prescribed in section 4785.07 of the Revised Code.

(B) The continuing education courses described in division (A)(3) of this section shall:

(1) Instruct licensees on new and existing rules and standards adopted by the division;

(2) Consist of not less than eight hours of instruction;

(3) Be attended and completed within one year immediately preceding the scheduled date for the license renewal;

(4) Be taught by instructors through continuing education providers approved by the division.

(C) A continuing education instructor who holds a license under this chapter is exempt from the continuing education requirement prescribed in division (A)(3) of this section, provided that any such applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal.

(D)(1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver

from the division.

(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant ~~under the penalty of perjury~~ and accompanied by a ~~certified~~ statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status.

(3) On the termination of the temporary disability, the licensee shall submit to the division a ~~certified~~ statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee shall meet the continuing education requirement during this ninety-day period or be considered to have not met the continuing education requirement and the license shall be deemed to be expired.

(E)(1) Approved continuing education providers shall keep uniform records, for a period of ten years, of attendance of licensees in a format approved by the division. Such records shall be available for inspection by the division on request.

(2) Approved training providers are responsible for the security of all attendance records and certificates of completion, provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion constitutes grounds for suspension or revocation of a continuing education provider's division

approval.

(F) The division shall not renew the license of an individual or entity if the individual or entity would be denied an initial license for a reason listed in division (E) of section 4785.04 of the Revised Code.

Sec. 4798.08. (A) For purposes of this section, a "completed application" means an application for an occupational license for which the applicant has properly and timely submitted all information required for the occupational licensing board to act on the application.

(B) The common sense initiative office may examine any occupational license and may require an occupational licensing board to report to the office the following information:

(1) The method by which the board receives applications for the occupational license;

(2) The legal authority governing the length of time within which the board must process applications for the occupational license;

(3) Any application fees associated with the issuance or renewal of the occupational license;

(4) The board's recommendation for the appropriate length of time to process completed applications for the occupational license;

(5) The number of applications denied by the board in the previous year;

(6) Any other relevant information requested by the common sense initiative office.

(C) The common sense initiative office may establish an efficient application processing time for an occupational license reviewed by the office under division (B) of this section. If the office establishes an efficient application processing time under this division, the office shall direct the board to do both of the following:

(1) Publish the established processing time for the license on the board's web site;

(2) Make available an electronic method for an applicant to request an application fee refund as allowed under division (D) of this section.

(D) If an occupational licensing board exceeds an efficient application processing time established under this section with respect to a completed application, the applicant may request a refund of the amount of the application fee.

(E) On receipt of a refund request under division (D) of this section, the occupational licensing board shall do both of the following:

(1) If the board exceeded the efficient application processing time established under this section with respect to a completed application, refund the application fee to the extent permitted by law;

(2) Inform the common sense initiative office whether the refund request has been approved or denied.

(F) An application fee refund in accordance with this section shall have no bearing on the disposition of the underlying application.

(G) Nothing in this section shall be construed to impair

or otherwise affect the authority granted by law, regulation, or executive order to an occupational licensing board and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 4798.10. (A) Except as provided in divisions (B) and (D) of this section, both of the following apply to the address, telephone number, and electronic mail address of an individual holding, or who has held, an occupational license, specialty occupational license for medical reimbursement, certification, or registration:

(1) The individual's address, telephone number, or electronic mail address is not a public record under section 149.43 of the Revised Code.

(2) The individual's address, telephone number, or electronic mail address is confidential and may not be released by an occupational licensing board.

(B) An occupational licensing board may release the individual's address, telephone number, or electronic mail address only under the following circumstances:

(1) At the request of a federal, state, or local government agency or a professional organization approved by the occupational licensing board, provided the agency or approved organization agrees not to disseminate the information to third parties;

(2) For the purpose of joining and maintaining an interstate licensure compact or other method of granting interstate reciprocal licensure;

(3) For the purpose of enforcing state or federal law, including conducting investigations, issuing citations, enforcing settlements, and conducting adjudication hearings in accordance with state or federal law;

(4) At the request of a law enforcement agency or an agency in another state responsible for the licensure, regulation, or investigation of the holder of an occupational license, specialty occupational license for medical reimbursement, certification, or registration under the jurisdiction of an occupational licensing board in that state;

(5) At the request of an accredited educational institution for research purposes approved by the occupational licensing board, provided the institution agrees not to disseminate the information to third parties;

(6) At the request of an entity that performs services on behalf of an occupational licensing board, provided the organization or entity agrees not to disseminate the information to third parties unless the disclosure is necessary to provide the services and is authorized as part of a contract or agreement between the entity and the occupational licensing board;

(7) For the purpose of reporting disciplinary actions to federal or state authorities or to organizations approved by the occupational licensing board;

(8) At the request of the individual who holds or held the occupational license, specialty occupational license for medical reimbursement, certification, or registration issued by the occupational licensing board.

(C) The address, telephone number, and electronic mail

address of an individual holding, or who has held, an occupational license, specialty occupational license for medical reimbursement, certification, or registration contained in an electronic licensing system created by the office of information technology pursuant to section 125.18 of the Revised Code is subject to division (A) of this section and may be released by the office only under the circumstances listed in division (B) of this section. This section does not, however, prohibit or limit the office of information technology from displaying an individual's county and state of residence or business on a web site operated by the office for the purpose of verifying that an individual possesses an occupational license, specialty occupational license for medical reimbursement, certification, or registration.

(D) Notwithstanding any provision in this section to the contrary, this section does not authorize the release of the address, telephone number, or electronic mail address of a designated public service worker, as that term is defined in section 149.43 of the Revised Code, unless the release also complies with that section.

Sec. 4903.10. After any order has been made by the public utilities commission, any party who has entered an appearance in person or by counsel in the proceeding may apply for a rehearing in respect to any matters determined in the proceeding. Such application shall be filed within thirty days after the entry of the order upon the journal of the commission.

Notwithstanding the preceding paragraph, in any uncontested proceeding or, by leave of the commission first had in any other proceeding, any affected person, firm, or corporation may make an application for a rehearing within

thirty days after the entry of any final order upon the journal of the commission. Leave to file an application for rehearing shall not be granted to any person, firm, or corporation who did not enter an appearance in the proceeding unless the commission first finds:

(A) The applicant's failure to enter an appearance prior to the entry upon the journal of the commission of the order complained of was due to just cause; and,

(B) The interests of the applicant were not adequately considered in the proceeding.

Every applicant for rehearing or for leave to file an application for rehearing shall give due notice of the filing of such application to all parties who have entered an appearance in the proceeding in the manner and form prescribed by the commission.

Such application shall be in writing and shall set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful. No party shall in any court urge or rely on any ground for reversal, vacation, or modification not so set forth in the application.

Where such application for rehearing has been filed before the effective date of the order as to which a rehearing is sought, the effective date of such order, unless otherwise ordered by the commission, shall be postponed or stayed pending disposition of the matter by the commission or by operation of law. In all other cases the making of such an application shall not excuse any person from complying with the order, or operate to stay or postpone the enforcement thereof, without a special order of the commission.

Where such application for rehearing has been filed, the commission may grant and hold such rehearing on the matter specified in such application, if in its judgment sufficient reason therefor is made to appear. Notice of such rehearing shall be given by regular mail to all parties who have entered an appearance in the proceeding.

If the commission does not grant or deny such application for rehearing within thirty days from the date of filing thereof, it is denied by operation of law.

If the commission grants such rehearing, it shall specify in the notice of such granting the purpose for which it is granted. The commission shall also specify the scope of the additional evidence, if any, that will be taken, but it shall not upon such rehearing take any evidence that, with reasonable diligence, could have been offered upon the original hearing.

If, after such rehearing, the commission is of the opinion that the original order or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate or modify the same; otherwise such order shall be affirmed. An order made after such rehearing, abrogating or modifying the original order, shall have the same effect as an original order, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order prior to the receipt of notice by the affected party of the filing of the application for rehearing.

If the commission does not affirm, abrogate, or modify the original order within one hundred fifty days from the date granting such rehearing, the order is affirmed by operation of law.

No cause of action arising out of any order of the commission, other than in support of the order, shall accrue in any court to any person, firm, or corporation unless such person, firm, or corporation has made a proper application to the commission for a rehearing.

Sec. 4905.03. As used in this chapter, any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, is:

(A) A telephone company, when engaged in the business of transmitting telephonic messages to, from, through, or in this state;

(B) A for-hire motor carrier, when engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the operations in intrastate commerce described in divisions (B)(1) to (9) of section 4921.01 of the Revised Code, but including the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories;

(C) An electric light company, when engaged in the business of supplying electricity for light, heat, or power purposes to consumers within this state, including supplying electric transmission service for electricity delivered to consumers in this state, but excluding a regional transmission organization approved by the federal energy regulatory commission~~; —~~.

An electric light company does not include a facility for

the production of electricity that meets all of the following:

(1) Is located on a customer-generator's premises or, for mercantile customers, is located within the certified territory of the electric utility that provides electric service to the mercantile customer;

(2) Operates in parallel with the electric utility's transmission and distribution facilities;

(3) Is intended primarily to offset part or all of the customer-generator's or mercantile customer's requirements for electricity.

(D) A gas company, when engaged in the business of supplying artificial gas for lighting, power, or heating purposes to consumers within this state or when engaged in the business of supplying artificial gas to gas companies or to natural gas companies within this state, but a producer engaged in supplying to one or more gas or natural gas companies, only such artificial gas as is manufactured by that producer as a by-product of some other process in which the producer is primarily engaged within this state is not thereby a gas company. All rates, rentals, tolls, schedules, charges of any kind, or agreements between any gas company and any other gas company or any natural gas company providing for the supplying of artificial gas and for compensation for the same are subject to the jurisdiction of the public utilities commission.

(E) A natural gas company, when engaged in the business of supplying natural gas for lighting, power, or heating purposes to consumers within this state. Notwithstanding the above, neither the delivery nor sale of Ohio-produced natural gas or Ohio-produced raw natural gas liquids by a producer or gatherer

under a public utilities commission-ordered exemption, adopted before, as to producers, or after, as to producers or gatherers, January 1, 1996, or the delivery or sale of Ohio-produced natural gas or Ohio-produced raw natural gas liquids by a producer or gatherer of Ohio-produced natural gas or Ohio-produced raw natural gas liquids, either to a lessor under an oil and gas lease of the land on which the producer's drilling unit is located, or the grantor incident to a right-of-way or easement to the producer or gatherer, shall cause the producer or gatherer to be a natural gas company for the purposes of this section.

All rates, rentals, tolls, schedules, charges of any kind, or agreements between a natural gas company and other natural gas companies or gas companies providing for the supply of natural gas and for compensation for the same are subject to the jurisdiction of the public utilities commission. The commission, upon application made to it, may relieve any producer or gatherer of natural gas, defined in this section as a gas company or a natural gas company, of compliance with the obligations imposed by this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code, so long as the producer or gatherer is not affiliated with or under the control of a gas company or a natural gas company engaged in the transportation or distribution of natural gas, or so long as the producer or gatherer does not engage in the distribution of natural gas to consumers.

Nothing in division (E) of this section limits the authority of the commission to enforce sections 4905.90 to 4905.96 of the Revised Code.

(F) A pipe-line company, when engaged in the business of

transporting natural gas, oil, or coal or its derivatives through pipes or tubing, either wholly or partly within this state, but not when engaged in the business of the transport associated with gathering lines, raw natural gas liquids, or finished product natural gas liquids;

(G) A water-works company, when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;

(H) A heating or cooling company, when engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating or cooling purposes;

(I) A messenger company, when engaged in the business of supplying messengers for any purpose;

(J) A street railway company, when engaged in the business of operating as a common carrier, a railway, wholly or partly within this state, with one or more tracks upon, along, above, or below any public road, street, alleyway, or ground, within any municipal corporation, operated by any motive power other than steam and not a part of an interurban railroad, whether the railway is termed street, inclined-plane, elevated, or underground railway;

(K) A suburban railroad company, when engaged in the business of operating as a common carrier, whether wholly or partially within this state, a part of a street railway constructed or extended beyond the limits of a municipal corporation, and not a part of an interurban railroad;

(L) An interurban railroad company, when engaged in the business of operating a railroad, wholly or partially within

this state, with one or more tracks from one municipal corporation or point in this state to another municipal corporation or point in this state, whether constructed upon the public highways or upon private rights-of-way, outside of municipal corporations, using electricity or other motive power than steam power for the transportation of passengers, packages, express matter, United States mail, baggage, and freight. Such an interurban railroad company is included in the term "railroad" as used in section 4907.02 of the Revised Code.

(M) A sewage disposal system company, when engaged in the business of sewage disposal services through pipes or tubing, and treatment works, or in a similar manner, within this state.

As used in division (E) of this section, "natural gas" includes natural gas that has been processed to enable consumption or to meet gas quality standards or that has been blended with propane, hydrogen, biologically derived methane gas, or any other artificially produced or processed gas.

As used in this section, "gathering lines" has the same meaning as in section 4905.90 of the Revised Code, and "raw natural gas liquids" and "finished product natural gas liquids" have the same meanings as in section 4906.01 of the Revised Code.

As used in division (C) of this section, "certified territory," "customer-generator," "electric utility," and "mercantile customer" have the same meanings as in section 4928.01 of the Revised Code.

Sec. 4905.10. (A) For the sole purpose of maintaining and administering the public utilities commission and exercising its supervision and jurisdiction over the railroads and public

utilities of this state, an amount equivalent to the appropriation from the public utilities fund created under division (B) of this section to the public utilities commission for railroad and public utilities regulation in each fiscal year shall be apportioned among and assessed against each railroad and public utility within this state by the commission by first computing an assessment as though it were to be made in proportion to the intrastate gross earnings or receipts, excluding earnings or receipts from sales to other public utilities for resale, of the railroad or public utility for the calendar year next preceding that in which the assessment is made. The commission may include in that first computation any amount of a railroad's or public utility's intrastate gross earnings or receipts that were underreported in a prior year. In addition to whatever penalties apply under the Revised Code to such underreporting, the commission shall assess the railroad or public utility interest at the rate stated in division (A) of section 1343.01 of the Revised Code. The commission shall deposit any interest so collected into the public utilities fund. The commission may exclude from that first computation any such amounts that were overreported in a prior year.

The final computation of the assessment shall consist of imposing upon each railroad and public utility whose assessment under the first computation would have been one hundred dollars or less an assessment of one hundred dollars and recomputing the assessments of the remaining railroads and public utilities by apportioning an amount equal to the appropriation to the public utilities commission for administration of the utilities division in each fiscal year less the total amount to be recovered from those paying the minimum assessment, in proportion to the intrastate gross earnings or receipts of the

remaining railroads and public utilities for the calendar year next preceding that in which the assessments are made.

In the case of an assessment based on intrastate gross receipts under this section against a public utility that is an electric utility as defined in section 4928.01 of the Revised Code, or an electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, such receipts shall be those specified in the utility's, company's, cooperative's, or aggregator's most recent report of intrastate gross receipts and sales of kilowatt hours of electricity, filed with the commission pursuant to division (F) of section 4928.06 of the Revised Code, and verified by the commission.

In the case of an assessment based on intrastate gross receipts under this section against a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, such receipts shall be those specified in the supplier's or aggregator's most recent report of intrastate gross receipts and sales of hundred cubic feet of natural gas, filed with the commission pursuant to division (B) of section 4929.23 of the Revised Code, and verified by the commission. However, no such retail natural gas supplier or such governmental aggregator serving or proposing to serve customers of a particular natural gas company, as defined in section 4929.01 of the Revised Code, shall be assessed under this section until after the commission, pursuant to section 4905.26 or 4909.18 of the Revised Code, has removed from the base rates of the natural gas company the amount of assessment under this section that is attributable to the value of commodity sales service, as defined in section 4929.01 of the Revised Code, in the base rates paid by those customers of the

company that do not purchase that service from the natural gas company.

(B) Through calendar year 2005, on or before the first day of October in each year, the commission shall notify each such railroad and public utility of the sum assessed against it, whereupon payment shall be made to the commission, which shall deposit it into the state treasury to the credit of the public utilities fund, which is hereby created. Beginning in calendar year 2006, on or before the fifteenth day of May in each year, the commission shall notify each railroad and public utility that had a sum assessed against it for the current fiscal year of more than one thousand dollars that fifty per cent of that amount shall be paid to the commission by the twentieth day of June of that year as an initial payment of the assessment against the company for the next fiscal year. On or before the first day of October in each year, the commission shall make a final determination of the sum of the assessment against each railroad and public utility and shall notify each railroad and public utility of the sum assessed against it. The commission shall deduct from the assessment for each railroad or public utility any initial payment received. Payment of the assessment shall be made to the commission by the first day of November of that year. The commission shall deposit the payments received into the state treasury to the credit of the public utilities fund. Any such amounts paid into the fund but not expended by the commission shall be credited ratably, after first deducting any deficits accumulated from prior years, by the commission to railroads and public utilities that pay more than the minimum assessment, according to the respective portions of such sum assessable against them for the ensuing fiscal year. The assessments for such fiscal year shall be reduced

correspondingly.

(C) Within five days after the beginning of each fiscal year through fiscal year 2006, the director of budget and management shall transfer from the general revenue fund to the public utilities fund an amount sufficient for maintaining and administering the public utilities commission and exercising its supervision and jurisdiction over the railroads and public utilities of the state during the first four months of the fiscal year. The director shall transfer the same amount back to the general revenue fund from the public utilities fund at such time as the director determines that the balance of the public utilities fund is sufficient to support the appropriations from the fund for the fiscal year. The director may transfer less than that amount if the director determines that the revenues of the public utilities fund during the fiscal year will be insufficient to support the appropriations from the fund for the fiscal year, in which case the amount not paid back to the general revenue fund shall be payable to the general revenue fund in future fiscal years.

(D) For the purpose of this section only, "public utility" includes:

(1) In addition to an electric utility as defined in section 4928.01 of the Revised Code, an electric services company, an electric cooperative, or a governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent of the company's, cooperative's, or aggregator's engagement in the business of supplying or arranging for the supply in this state of any retail electric service for which it must be so certified;

(2) In addition to a natural gas company as defined in

section 4929.01 of the Revised Code, a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, to the extent of the supplier's or aggregator's engagement in the business of supplying or arranging for the supply in this state of any competitive retail natural gas service for which it must be certified.

(E) Each public utilities commissioner shall receive a salary fixed at the level set by pay range 49 under schedule E-2 created by the director of administrative services under section 124.152 of the Revised Code.

Sec. 4911.07. The salary of the consumers' counsel shall be determined by the consumers' counsel governing board but shall be in pay range 49 as set forth in the schedules created under section 124.152 of the Revised Code.

Sec. 4928.01. (A) As used in this chapter:

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully

independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service.

(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises.

(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.

(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.

(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code.

(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent.

(12) "Firm electric service" means electric service other than nonfirm electric service.

(13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the Revised Code.

(14) A person acts "knowingly," regardless of the person's purpose, when the person is aware that the person's conduct will

probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(15) "Level of funding for low-income customer energy efficiency programs provided through electric utility rates" means the level of funds specifically included in an electric utility's rates on October 5, 1999, pursuant to an order of the public utilities commission issued under Chapter 4905. or 4909. of the Revised Code and in effect on October 4, 1999, for the purpose of improving the energy efficiency of housing for the utility's low-income customers. The term excludes the level of any such funds committed to a specific nonprofit organization or organizations pursuant to a stipulation or contract.

(16) "Low-income customer assistance programs" means the percentage of income payment plan program, the home energy assistance program, the home weatherization assistance program, and the targeted energy efficiency and weatherization program.

(17) "Market development period" for an electric utility means the period of time beginning on the starting date of competitive retail electric service and ending on the applicable date for that utility as specified in section 4928.40 of the Revised Code, irrespective of whether the utility applies to receive transition revenues under this chapter.

(18) "Market power" means the ability to impose on customers a sustained price for a product or service above the price that would prevail in a competitive market.

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven

hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources

and renewable energy resources. "Advanced energy project" also includes any project described in division (A), (B), or (C) of section 4928.621 of the Revised Code.

(26) "Regulatory assets" means the unamortized net regulatory assets that are capitalized or deferred on the regulatory books of the electric utility, pursuant to an order or practice of the public utilities commission or pursuant to generally accepted accounting principles as a result of a prior commission rate-making decision, and that would otherwise have been charged to expense as incurred or would not have been capitalized or otherwise deferred for future regulatory consideration absent commission action. "Regulatory assets" includes, but is not limited to, all deferred demand-side management costs; all deferred percentage of income payment plan arrears; post-in-service capitalized charges and assets recognized in connection with statement of financial accounting standards no. 109 (receivables from customers for income taxes); future nuclear decommissioning costs and fuel disposal costs as those costs have been determined by the commission in the electric utility's most recent rate or accounting application proceeding addressing such costs; the undepreciated costs of safety and radiation control equipment on nuclear generating plants owned or leased by an electric utility; and fuel costs currently deferred pursuant to the terms of one or more settlement agreements approved by the commission.

(27) "Retail electric service" means any service involved in supplying or arranging for the supply of electricity to ultimate consumers in this state, from the point of generation to the point of consumption. For the purposes of this chapter, retail electric service includes one or more of the following "service components": generation service, aggregation service,

power marketing service, power brokerage service, transmission service, distribution service, ancillary service, metering service, and billing and collection service.

(28) "Starting date of competitive retail electric service" means January 1, 2001.

(29) "Customer-generator" means a user of a net metering system.

(30) "Net metering" means measuring the difference in an applicable billing period between the electricity supplied by an electric service provider and the electricity generated by a customer-generator that is fed back to the electric service provider.

(31) "Net metering system" means a facility for the production of electrical energy that does all of the following:

(a) Uses as its fuel either solar, wind, biomass, landfill gas, green energy that is fully dispatchable, or hydropower, or uses a microturbine or a fuel cell;

(b) Is located on a customer-generator's premises or, for a mercantile customer, is located within the certified territory of the electric utility that provides electric service to the mercantile customer;

(c) Operates in parallel with the electric utility's transmission and distribution facilities;

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. For an industrial customer-generator with a net metering system that has a capacity of less than twenty megawatts and uses wind as energy, this means the net metering system was sized so as to

not exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection.

(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract.

(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

(34) "Advanced energy resource" means any of the following:

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration technology;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design

capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM);

(g) Demand-side management and any energy efficiency improvement;

(h) Any new, retrofitted, refueled, or repowered generating facility located in Ohio, including a simple or combined-cycle natural gas generating facility or a generating facility that uses biomass, coal, modular nuclear, or any other fuel as its input;

(i) Any uprated capacity of an existing electric generating facility if the uprated capacity results from the deployment of advanced technology.

"Advanced energy resource" does not include a waste energy recovery system that is, or has been, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(35) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.

(36) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.

(37)(a) "Renewable energy resource" means any of the following:

(i) Solar photovoltaic or solar thermal energy;

(ii) Wind energy;

(iii) Power produced by a hydroelectric facility;

(iv) Power produced by a small hydroelectric facility, which is a facility that operates, or is rated to operate, at an aggregate capacity of less than six megawatts;

(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;

(vi) Geothermal energy;

(vii) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation,

biological decomposition, or other process that does not principally involve combustion;

(viii) Biomass energy;

(ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;

(x) Biologically derived methane gas;

(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;

(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors.

"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; waste energy recovery system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general

assembly, September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of this section may be included only if it was placed into service between January 1, 2002, and December 31, 2004; storage facility that will promote the better utilization of a renewable energy resource; or distributed generation system used by a customer to generate electricity from any such energy.

"Renewable energy resource" does not include a waste energy recovery system that is, or was, on or after January 1, 2012, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(b) As used in division (A)(37) of this section, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

(i) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.

(ii) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(iii) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(iv) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(v) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(vi) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(viii) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

(c) The standards in divisions (A)(37)(b)(i) to (viii) of this section do not apply to a small hydroelectric facility under division (A)(37)(a)(iv) of this section.

(38) "Waste energy recovery system" means either of the following:

(a) A facility that generates electricity through the conversion of energy from either of the following:

(i) Exhaust heat from engines or manufacturing, industrial, commercial, or institutional sites, except for exhaust heat from a facility whose primary purpose is the generation of electricity;

(ii) Reduction of pressure in gas pipelines before gas is distributed through the pipeline, provided that the conversion of energy to electricity is achieved without using additional fossil fuels.

(b) A facility at a state institution of higher education as defined in section 3345.011 of the Revised Code that recovers waste heat from electricity-producing engines or combustion turbines and that simultaneously uses the recovered heat to produce steam, provided that the facility was placed into service between January 1, 2002, and December 31, 2004.

(39) "Smart grid" means capital improvements to an electric distribution utility's distribution infrastructure that improve reliability, efficiency, resiliency, or reduce energy demand or use, including, but not limited to, advanced metering and automation of system functions.

(40) "Combined heat and power system" means the coproduction of electricity and useful thermal energy from the same fuel source designed to achieve thermal-efficiency levels

of at least sixty per cent, with at least twenty per cent of the system's total useful energy in the form of thermal energy.

(41) "Legacy generation resource" means all generating facilities owned directly or indirectly by a corporation that was formed prior to 1960 by investor-owned utilities for the original purpose of providing power to the federal government for use in the nation's defense or in furtherance of national interests, including the Ohio valley electric corporation.

(42) "Prudently incurred costs related to a legacy generation resource" means costs, including deferred costs, allocated pursuant to a power agreement approved by the federal energy regulatory commission that relates to a legacy generation resource, less any revenues realized from offering the contractual commitment for the power agreement into the wholesale markets, provided that where the net revenues exceed net costs, those excess revenues shall be credited to customers. Such costs shall exclude any return on investment in common equity and, in the event of a premature retirement of a legacy generation resource, shall exclude any recovery of remaining debt. Such costs shall include any incremental costs resulting from the bankruptcy of a current or former sponsor under such power agreement or co-owner of the legacy generation resource if not otherwise recovered through a utility rate cost recovery mechanism.

(43) "Green energy" means any energy generated by using an energy resource that does one or more of the following:

(a) Releases reduced air pollutants, thereby reducing cumulative air emissions;

(b) Is more sustainable and reliable relative to some

fossil fuels.

"Green energy" includes energy generated by using natural gas as a resource.

(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service.

Sec. 4928.02. It is the policy of this state to do the following throughout this state:

(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service;

(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs;

(C) Ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities;

(D) Encourage innovation and market access for cost-effective supply- and demand-side retail electric service including, but not limited to, demand-side management, time-differentiated pricing, waste energy recovery systems, smart grid programs, and implementation of advanced metering

infrastructure;

(E) Encourage cost-effective and efficient access to information regarding the operation of the transmission and distribution systems of electric utilities in order to promote both effective customer choice of retail electric service and the development of performance standards and targets for service quality for all consumers, including annual achievement reports written in plain language;

(F) Ensure that an electric utility's transmission and distribution systems are available to a customer-generator or owner of distributed generation, so that the customer-generator or owner can market and deliver the electricity it produces through power purchase agreements or other contractual agreements;

(G) Recognize the continuing emergence of competitive electricity markets through the development and implementation of flexible regulatory treatment;

(H) Ensure effective competition in the provision of retail electric service by avoiding anticompetitive subsidies flowing from a noncompetitive retail electric service to a competitive retail electric service or to a product or service other than retail electric service, and vice versa, including by prohibiting the recovery of any generation-related costs through distribution or transmission rates;

(I) Ensure retail electric service consumers protection against unreasonable sales practices, market deficiencies, and market power;

(J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt

successfully to potential environmental mandates;

(K) Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering;

(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new advanced energy or renewable energy resource;

(M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses;

(N) Facilitate the state's effectiveness in the global economy.

(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization.

(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.

(Q) Encourage the development of customer-sited generation.

In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution

infrastructure, including, but not limited to, line extensions, for the purpose of development in this state.

Sec. 4928.06. (A) Beginning on the starting date of competitive retail electric service, the public utilities commission shall ensure that the policy specified in section 4928.02 of the Revised Code is effectuated. To the extent necessary, the commission shall adopt rules to carry out this chapter. Initial rules necessary for the commencement of the competitive retail electric service under this chapter shall be adopted within one hundred eighty days after the effective date of this section. Except as otherwise provided in this chapter, the proceedings and orders of the commission under the chapter shall be subject to and governed by Chapter 4903. of the Revised Code.

(B) If the commission determines, on or after the starting date of competitive retail electric service, that there is a decline or loss of effective competition with respect to a competitive retail electric service of an electric utility, which service was declared competitive by commission order issued pursuant to division (A) of section 4928.04 of the Revised Code, the commission shall ensure that that service is provided at compensatory, fair, and nondiscriminatory prices and terms and conditions.

(C) In addition to its authority under section 4928.04 of the Revised Code and divisions (A) and (B) of this section, the commission, on an ongoing basis, shall monitor and evaluate the provision of retail electric service in this state for the purpose of discerning any noncompetitive retail electric service that should be available on a competitive basis on or after the starting date of competitive retail electric service pursuant to

a declaration in the Revised Code, and for the purpose of discerning any competitive retail electric service that is no longer subject to effective competition on or after that date. Upon such evaluation, the commission periodically shall report its findings and any recommendations for legislation to the standing committees of both houses of the general assembly that have primary jurisdiction regarding public utility legislation. ~~Until 2008, the commission and the consumer's counsel also shall provide biennial reports to those standing committees, regarding the effectiveness of competition in the supply of competitive retail electric services in this state. In addition, until the end of all market development periods as determined by the commission under section 4928.40 of the Revised Code, those standing committees shall meet at least biennially to consider the effect on this state of electric service restructuring and to receive reports from the commission, consumers' counsel, and director of development.~~

(D) In determining, for purposes of division (B) or (C) of this section, whether there is effective competition in the provision of a retail electric service or reasonably available alternatives for that service, the commission shall consider factors including, but not limited to, all of the following:

(1) The number and size of alternative providers of that service;

(2) The extent to which the service is available from alternative suppliers in the relevant market;

(3) The ability of alternative suppliers to make functionally equivalent or substitute services readily available at competitive prices, terms, and conditions;

(4) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of suppliers of services.

The burden of proof shall be on any entity requesting, under division (B) or (C) of this section, a determination by the commission of the existence of or a lack of effective competition or reasonably available alternatives.

(E)(1) Beginning on the starting date of competitive retail electric service, the commission has authority under Chapters 4901. to 4909. of the Revised Code, and shall exercise that authority, to resolve abuses of market power by any electric utility that interfere with effective competition in the provision of retail electric service.

(2) In addition to the commission's authority under division (E)(1) of this section, the commission, beginning the first year after the market development period of a particular electric utility and after reasonable notice and opportunity for hearing, may take such measures within a transmission constrained area in the utility's certified territory as are necessary to ensure that retail electric generation service is provided at reasonable rates within that area. The commission may exercise this authority only upon findings that an electric utility is or has engaged in the abuse of market power and that that abuse is not adequately mitigated by rules and practices of any independent transmission entity controlling the transmission facilities. Any such measure shall be taken only to the extent necessary to protect customers in the area from the particular abuse of market power and to the extent the commission's authority is not preempted by federal law. The measure shall remain in effect until the commission, after reasonable notice

and opportunity for hearing, determines that the particular abuse of market power has been mitigated.

(F) An electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code shall provide the commission with such information, regarding a competitive retail electric service for which it is subject to certification, as the commission considers necessary to carry out this chapter. An electric utility shall provide the commission with such information as the commission considers necessary to carry out divisions (B) to (E) of this section. The commission shall take such measures as it considers necessary to protect the confidentiality of any such information.

The commission shall require each electric utility to file with the commission on and after the starting date of competitive retail electric service an annual report of its intrastate gross receipts and sales of kilowatt hours of electricity, and shall require each electric services company, electric cooperative, and governmental aggregator subject to certification to file an annual report on and after that starting date of such receipts and sales from the provision of those retail electric services for which it is subject to certification. For the purpose of the reports, sales of kilowatt hours of electricity are deemed to occur at the meter of the retail customer.

Sec. 4928.34. (A) The public utilities commission shall not approve or prescribe a transition plan under division (A) or (B) of section 4928.33 of the Revised Code unless the commission first makes all of the following determinations:

(1) The unbundled components for the electric transmission

component of retail electric service, as specified in the utility's rate unbundling plan required by division (A)(1) of section 4928.31 of the Revised Code, equal the tariff rates determined by the federal energy regulatory commission that are in effect on the date of the approval of the transition plan under sections 4928.31 to 4928.40 of the Revised Code, as each such rate is determined applicable to each particular customer class and rate schedule by the commission. The unbundled transmission component shall include a sliding scale of charges under division (B) of section 4905.31 of the Revised Code to ensure that refunds determined or approved by the federal energy regulatory commission are flowed through to retail electric customers.

(2) The unbundled components for retail electric distribution service in the rate unbundling plan equal the difference between the costs attributable to the utility's transmission and distribution rates and charges under its schedule of rates and charges in effect on the effective date of this section, based upon the record in the most recent rate proceeding of the utility for which the utility's schedule was established, and the tariff rates for electric transmission service determined by the federal energy regulatory commission as described in division (A)(1) of this section.

(3) All other unbundled components required by the commission in the rate unbundling plan equal the costs attributable to the particular service as reflected in the utility's schedule of rates and charges in effect on the effective date of this section.

(4) The unbundled components for retail electric generation service in the rate unbundling plan equal the

residual amount remaining after the determination of the transmission, distribution, and other unbundled components, and after any adjustments necessary to reflect the effects of the amendment of section 5727.111 of the Revised Code by Sub. S.B. No. 3 of the 123rd general assembly.

(5) All unbundled components in the rate unbundling plan have been adjusted to reflect any base rate reductions on file with the commission and as scheduled to be in effect by December 31, 2005, under rate settlements in effect on the effective date of this section. However, all earnings obligations, restrictions, or caps imposed on an electric utility in a commission order prior to the effective date of this section are void.

(6) Subject to division (A)(5) of this section, the total of all unbundled components in the rate unbundling plan are capped and shall equal during the market development period, except as specifically provided in this chapter, the total of all rates and charges in effect under the applicable bundled schedule of the electric utility pursuant to section 4905.30 of the Revised Code in effect on the day before the effective date of this section, including the transition charge determined under section 4928.40 of the Revised Code, adjusted for any changes in the taxation of electric utilities and retail electric service under Sub. S.B. No. 3 of the 123rd General Assembly, and the ~~universal service~~ percentage of income payment plan rider authorized by section ~~4928.51~~ 4928.52 of the Revised Code~~, and the temporary rider authorized by section 4928.61 of the Revised Code~~. For the purpose of this division, the rate cap applicable to a customer receiving electric service pursuant to an arrangement approved by the commission under section 4905.31 of the Revised Code is, for the term of the arrangement, the

total of all rates and charges in effect under the arrangement. For any rate schedule filed pursuant to section 4905.30 of the Revised Code or any arrangement subject to approval pursuant to section 4905.31 of the Revised Code, the initial tax-related adjustment to the rate cap required by this division shall be equal to the rate of taxation specified in section 5727.81 of the Revised Code and applicable to the schedule or arrangement. To the extent such total annual amount of the tax-related adjustment is greater than or less than the comparable amount of the total annual tax reduction experienced by the electric utility as a result of the provisions of Sub. S.B. No. 3 of the 123rd general assembly, such difference shall be addressed by the commission through accounting procedures, refunds, or an annual surcharge or credit to customers, or through other appropriate means, to avoid placing the financial responsibility for the difference upon the electric utility or its shareholders. Any adjustments in the rate of taxation specified in section 5727.81 of the Revised Code ~~section~~ shall not occur without a corresponding adjustment to the rate cap for each such rate schedule or arrangement. The department of taxation shall advise the commission and self-assessors under section 5727.81 of the Revised Code prior to the effective date of any change in the rate of taxation specified under that section, and the commission shall modify the rate cap to reflect that adjustment so that the rate cap adjustment is effective as of the effective date of the change in the rate of taxation. This division shall be applied, to the extent possible, to eliminate any increase in the price of electricity for customers that otherwise may occur as a result of establishing the taxes contemplated in section 5727.81 of the Revised Code.

(7) The rate unbundling plan complies with any rules

adopted by the commission under division (A) of section 4928.06 of the Revised Code.

(8) The corporate separation plan required by division (A)(2) of section 4928.31 of the Revised Code complies with section 4928.17 of the Revised Code and any rules adopted by the commission under division (A) of section 4928.06 of the Revised Code.

(9) Any plan or plans the commission requires to address operational support systems and any other technical implementation issues pertaining to competitive retail electric service comply with any rules adopted by the commission under division (A) of section 4928.06 of the Revised Code.

(10) The employee assistance plan required by division (A)(4) of section 4928.31 of the Revised Code sufficiently provides severance, retraining, early retirement, retention, outplacement, and other assistance for the utility's employees whose employment is affected by electric industry restructuring under this chapter.

(11) The consumer education plan required under division (A)(5) of section 4928.31 of the Revised Code complies with former section 4928.42 of the Revised Code and any rules adopted by the commission under division (A) of section 4928.06 of the Revised Code.

(12) The transition revenues for which an electric utility is authorized a revenue opportunity under sections 4928.31 to 4928.40 of the Revised Code are the allowable transition costs of the utility as such costs are determined by the commission pursuant to section 4928.39 of the Revised Code, and the transition charges for the customer classes and rate schedules

of the utility are the charges determined pursuant to section 4928.40 of the Revised Code.

(13) Any independent transmission plan included in the transition plan filed under section 4928.31 of the Revised Code reasonably complies with section 4928.12 of the Revised Code and any rules adopted by the commission under division (A) of section 4928.06 of the Revised Code, unless the commission, for good cause shown, authorizes the utility to defer compliance until an order is issued under division (G) of section 4928.35 of the Revised Code.

(14) The utility is in compliance with sections 4928.01 to 4928.11 of the Revised Code and any rules or orders of the commission adopted or issued under those sections.

(15) All unbundled components in the rate unbundling plan have been adjusted to reflect the elimination of the tax on gross receipts imposed by section 5727.30 of the Revised Code.

In addition, a transition plan approved by the commission under section 4928.33 of the Revised Code but not containing an approved independent transmission plan shall contain the express conditions that the utility will comply with an order issued under division (G) of section 4928.35 of the Revised Code.

(B) Subject to division (E) of section 4928.17 of the Revised Code, if the commission finds that any part of the transition plan would constitute an abandonment under sections 4905.20 and 4905.21 of the Revised Code, the commission shall not approve that part of the transition plan unless it makes the finding required for approval of an abandonment application under section 4905.21 of the Revised Code. Sections 4905.20 and 4905.21 of the Revised Code otherwise shall not apply to a

transition plan under sections 4928.31 to 4928.40 of the Revised Code.

Sec. 4928.43. (A) Each state agency that provides employment assistance and job training programs, including the ~~bureau of employment~~ department of job and family services ~~and the department of development~~, shall provide concentrated attention through those programs to assisting employees whose employment is affected by electric industry restructuring under this chapter.

(B) To the extent not prohibited by federal law or any law of this state and except as otherwise provided in a labor contract or other agreement, no unencumbered money in a pension fund for employees of electric utilities shall be used for any purpose other than to pay allowable pensions or early retirement buyouts for the employees.

Sec. 4928.47. (A) An electric distribution utility may, on a nondiscriminatory basis and subject to approval by the public utilities commission, enter into an agreement having a term of three years or more with a mercantile customer or group of mercantile customers for the purpose of constructing in this state a customer sited renewable energy resource ~~in this state~~ or a green energy resource as defined in division (A)(43)(b) of section 4928.01 of the Revised Code that will provide the mercantile customer or group with a material portion of the customer's or group's electricity requirements.

(B) Any direct or indirect costs, including costs for infrastructure development or generation, associated with the in-state customer-sited renewable energy resource shall be paid for solely by the utility and the mercantile customer or group of mercantile customers. At no point shall the commission

authorize the utility to collect, nor shall the utility ever collect, any of those costs from any customer other than the mercantile customer or group of mercantile customers.

Sec. 4928.51. ~~(A)~~ There is hereby established in the state treasury ~~a universal service~~ the electric partnership plan fund, into which shall be deposited all ~~universal service~~ revenues remitted to the director of ~~development~~ job and family services under this section, for the exclusive purposes of providing funding for the low-income customer assistance programs ~~and for the consumer education program authorized under section 4928.56 of the Revised Code,~~ and paying the administrative costs of the low-income customer assistance programs and the consumer education program. Interest on the fund shall be credited to the fund. Disbursements from the fund shall be made to any supplier that provides a competitive retail electric service or a noncompetitive retail electric service to a customer who is approved to receive assistance under a specified low-income customer assistance program and to any authorized provider of weatherization or energy efficiency service to a customer approved to receive such assistance under a specified low-income customer assistance program.

~~(B) Universal service revenues~~ Revenues deposited in the electric partnership plan fund shall include all ~~of the following:~~

~~(1) Revenues~~ revenues remitted to the director after collection by an electric distribution utility ~~beginning July 1, 2000, attributable to the collection from customers of the universal service rider prescribed under~~ pursuant to division (C) of section 4928.52 of the Revised Code~~;~~

~~(2) Revenues remitted to the director that have been~~

~~collected by an electric distribution utility beginning July 1, 2000, as customer payments under the percentage of income payment plan program, including revenues remitted under division (C) of this section;~~

~~(3) Adequate revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state not earlier than July 1, 2000, upon the utility's or cooperative's decision to participate in the low-income customer assistance programs.~~

~~(C)(1) Beginning July 1, 2000, an electric distribution utility shall transfer to the director the right to collect all arrearage payments of a customer for percentage of income payment plan program debt owed to the utility on the day before that date or retain the right to collect that debt but remit to the director all program revenues received by the utility for that customer.~~

~~(2) A current or past percentage of income payment plan program customer is relieved of any payment obligation under the percentage of income payment program for any unpaid arrears accrued by the customer under the program as of the effective date of this section if the customer, as determined by the director, meets both of the following criteria:~~

~~(a) The customer as of that date has complied with customer payment responsibilities under the program.~~

~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~

~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose~~

~~of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs~~.

Sec. 4928.52. (A) Beginning ~~July~~ January 1, ~~2000, the~~ 2026, the percentage of income payment plan rider shall replace, for each electric distribution utility, the universal service rider ~~shall replace the percentage of income payment plan rider~~ in existence on the effective date of the amendment of this section ~~and any amount in the rates of an electric utility for the funding of low-income customer energy efficiency programs~~by this act. The ~~universal service~~ percentage of income payment plan rider shall be a rider on retail electric distribution service rates as such rates are determined by the public utilities commission pursuant to this chapter. The ~~universal service~~ percentage of income payment plan rider ~~for the first five years after the starting date of competitive retail electric service~~ shall ~~be the sum of all of~~ recover the following:

(1) The ~~level of~~ prudently incurred costs of providing the percentage of income payment plan program ~~rider in existence on the effective date of this section~~for each electric distribution utility;

(2) ~~An amount equal to the level of funding for low-income customer energy efficiency programs provided through electric utility rates in effect on the effective date of this section~~The total of the electric distribution utilities' allocated shares, as determined by the public utilities commission, under division (B)(1) of this section;

(3) Any additional amount necessary and sufficient to fund through the ~~universal service~~ percentage of income payment plan rider the administrative costs of the low-income customer

assistance programs ~~and the consumer education program created in section 4928.56 of the Revised Code~~.

~~(B)~~(B)(1) ~~If, during or after the five-year period specified in division (A) of this section, the director of development, after consultation with the public benefits advisory board created under section 4928.58 of the Revised Code, determines that revenues in the universal service fund and revenues from federal or other sources of funding for those programs, including general revenue fund appropriations for the Ohio energy credit program, will be insufficient to cover the administrative costs of the low-income customer assistance programs and the consumer education program and provide adequate funding for those programs, the director shall file a petition with the commission for an increase in the universal service rider. The commission, after reasonable notice and opportunity for hearing, may adjust the universal service rider by the minimum amount necessary to provide the additional revenues.~~ The commission shall ~~not decrease the universal service rider without the approval of the director, after consultation by the director with the advisory board~~allocate to each electric distribution utility a share of the funding for low-income customer assistance programs administered by the director of job and family services according to each electric distribution utility's annual distribution service revenues.

(2) Each electric distribution utility's allocation determined under division (B)(1) of this section shall include a separately designated allocation equal to the electric distribution utility's share of an amount not to exceed fifteen million dollars annually for funding the consumer education program administered by the department of job and family services under section 4928.56 of the Revised Code.

(C) On the thirtieth day of June of each year, each electric distribution utility shall remit to the department for deposit in the electric partnership plan fund the utility's share of the following:

(1) The utility's allocation determined under division (B)(2) of this section for funding the consumer education program administered by the department of job and family services under section 4928.56 of the Revised Code;

(2) The costs under division (A)(3) of this section for the administration of the low-income customer assistance programs administered by the director.

~~(C)~~(D) The ~~universal service~~ percentage of income payment plan rider established under ~~division (A) or (B) of~~ this section shall be set in such a manner so as not to shift among the customer classes of electric distribution utilities the costs of funding low-income customer assistance programs.

Sec. 4928.53. (A) Beginning July 1, ~~2000~~2026, the director of ~~development is hereby authorized to~~ job and family services shall administer the low-income customer assistance programs, except for the percentage of income payment plan rider established under section 4928.52 of the Revised Code. ~~For that purpose, the public utilities commission shall cooperate with and provide such assistance as the director requires for administration of the low-income customer assistance programs.~~ The director shall consolidate the administration of and redesign and coordinate the operations of ~~those~~ the low-income customer assistance programs within the department to provide, to the maximum extent possible, for efficient program administration and a one-stop application and eligibility determination process at the local level for consumers.

(B)(1) ~~Not later than March 1, 2000, the~~ The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to carry out sections 4928.51 to 4928.58 of the Revised Code and ensure the effective and efficient administration and operation of the low-income customer assistance programs. ~~The rules shall take effect on July 1, 2000.~~

(2) The director's authority to adopt rules under this division for the Ohio energy credit program shall be subject to such rule-making authority as is conferred on the director of development by sections 5117.01 to 5117.12 of the Revised Code, as amended by Sub. S.B. No. 3 of the 123rd general assembly, except that rules initially adopted by the director of development for the Ohio energy credit program shall incorporate the substance of those sections as they exist on the effective date of this section.

(3) ~~The director's~~ Under the director of job and family service's authority to adopt rules under this ~~division~~ section, the director may adopt rules for the percentage of income payment plan program ~~shall include authority to adopt~~, including rules prescribing criteria for customer eligibility and policies regarding payment and crediting arrangements and responsibilities~~,~~ and procedures for verifying customer eligibility~~, procedures for disbursing public funds to suppliers and otherwise administering funds under the director's jurisdiction, and requirements as to timely remittances of revenues described in division (B) of section 4928.51 of the Revised Code~~. The rules shall prohibit the imposition of a waiting period before enrolling an eligible customer in the percentage of income payment plan. ~~The director's authority in division (B)(3) of this section excludes authority to prescribe service disconnection and customer billing policies and~~

~~procedures and to address complaints against suppliers under the percentage of payment plan program, which excluded authority shall be exercised by the public utilities commission, in coordination with the director.~~ Rules adopted by the director under this division for the percentage of income payment plan program shall specify a level of payment responsibility to be borne by an eligible customer based on a percentage of the customer's income. ~~Rules initially adopted by the director for the percentage of income payment plan program shall incorporate the eligibility criteria and payment arrangement and responsibility policies set forth in rule 4901:1-18-04(B) of the Ohio Administrative Code in effect on the effective date of this section.~~

Sec. 4928.54. The ~~director of development services~~ public utilities commission shall aggregate percentage of income payment plan program customers for the purpose of establishing a competitive procurement process for the supply of competitive retail electric service for those customers. The process shall be an auction. Only bidders certified under section 4928.08 of the Revised Code may participate in the auction.

Sec. 4928.542. The winning bid or bids selected through the competitive procurement process established under section 4928.54 of the Revised Code shall meet all of the following requirements:

(A) Be designed to provide reliable competitive retail electric service to percentage of income payment plan program customers;

(B) Reduce the cost of the percentage of income payment plan program relative to the otherwise applicable standard service offer established under sections 4928.141, 4928.142, and

4928.143 of the Revised Code;

(C) Result in the best value for persons paying the ~~universal service~~ percentage of income payment plan rider under section 4928.52 of the Revised Code.

Sec. 4928.543. The ~~director of development services~~ public utilities commission shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ to implement sections 4928.54, 4928.541, and 4928.542 of the Revised Code. The rules shall ensure a fair and unbiased auction process and the performance of the winning bidder or bidders.

Sec. 4928.544. ~~(A)~~ For the purpose of facilitating compliance with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, ~~and upon written request by the director of development services,~~ the public utilities commission shall design, manage, and supervise the competitive procurement process required by section 4928.54 of the Revised Code. To the extent reasonably possible, and to minimize costs, the process may be designed based on any existing competitive procurement process for the establishment of the default generation supply price for electric distribution utilities.

This ~~division~~ section does not preclude a process design that is based on a competitive procurement process that applies to the combined certified territories of electric distribution utilities subject to common ownership.

~~(B) The director of development services shall reimburse the commission for its costs incurred under division (A) of this section. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code.~~

Sec. 4928.545. The public utilities commission shall administer the percentage of income payment plan rider established under section 4928.52 of the Revised Code, including by performing periodic audits of each electric distribution utility's percentage of income payment plan rider.

The commission shall adopt rules for the administration of the percentage of income payment plan rider and shall cooperate with, and provide such assistance to, the director of job and family services as the director requires for administration of the low-income customer assistance programs.

Sec. 4928.55. The director of ~~development~~ job and family services shall establish an energy efficiency and weatherization program targeted, to the extent practicable, to high-cost, high-volume use structures occupied by customers eligible for the percentage of income payment plan program, with the goal of reducing the energy bills of the occupants. Acceptance of energy efficiency and weatherization services provided by the program shall be a condition for the eligibility of any such customer to participate in the percentage of income payment plan program.

Sec. 4928.56. The director of ~~development~~ job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an education program for consumers eligible to participate in the low-income customer assistance programs. The education program shall provide information to consumers regarding energy efficiency and energy conservation.

Sec. 4928.58. (A) There is hereby created the public benefits advisory board, which has the purpose of ensuring that energy services be provided to low-income consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. The advisory

board shall consist of twenty-one members as follows: the director of ~~development~~job and family services, the chairperson of the public utilities commission, the consumers' counsel, and the director of the air quality development authority, each serving ex officio and represented by a designee at the official's discretion; two members of the house of representatives appointed by the speaker of the house of representatives, neither of the same political party, and two members of the senate appointed by the president of the senate, neither of the same political party; and thirteen members appointed by the governor with the advice and consent of the senate, consisting of one representative of suppliers of competitive retail electric service; one representative of the residential class of electric utility customers; one representative of the industrial class of electric utility customers; one representative of the commercial class of electric utility customers; one representative of agricultural or rural customers of an electric utility; two customers receiving assistance under one or more of the low-income customer assistance programs, to represent customers eligible for any such assistance, including senior citizens; one representative of the general public; one representative of local intake agencies; one representative of a community-based organization serving low-income customers; one representative of environmental protection interests; one representative of lending institutions; and one person considered an expert in energy efficiency or renewables technology. Initial appointments shall be made not later than November 1, 1999.

(B) Initial terms of six of the appointed members shall end on June 30, 2003, and initial terms of the remaining seven appointed members shall end on June 30, 2004. Thereafter, terms

of appointed members shall be for three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office after the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C) Board members shall be reimbursed for their actual and necessary expenses incurred in the performance of board duties. The reimbursements constitute, as applicable, administrative costs of the low-income customer assistance programs for the purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 of the Revised Code ~~or administrative costs of the advanced energy program for the purpose of division (A) of section 4928.61 of the Revised Code~~.

(D) The advisory board shall select a chairperson from among its members. Only board members appointed by the governor with the advice and consent of the senate shall be voting members of the board; each shall have one vote in all deliberations of the board. A majority of the voting members constitute a quorum.

(E) The ~~duties of the~~ advisory board shall ~~be as follows:~~

~~(1) Advise~~ advise the director of job and family services

in the administration of ~~the universal service fund and~~ the low-income customer assistance programs~~ and advise the director on the director's recommendation to the commission regarding the appropriate level of the universal service rider;~~

~~(2) Advise the director on the administration of the advanced energy program and the advanced energy fund under sections 4928.61 to 4928.63 of the Revised Code~~.

(F) The advisory board is not an agency for purposes of sections 101.82 to 101.87 of the Revised Code.

Sec. 4928.61. (A) There is hereby established in the state treasury the advanced energy fund, into which shall be deposited all advanced energy revenues remitted to the director of development under division (B) of this section, for the exclusive purposes of funding the advanced energy program created under section 4928.62 of the Revised Code and paying the program's administrative costs. Interest on the fund shall be credited to the fund.

(B) Advanced energy revenues shall include all of the following:

(1) ~~Revenues remitted to the director after collection by each electric distribution utility in this state of a temporary rider on retail electric distribution service rates as such rates are determined by the public utilities commission pursuant to this chapter. The rider shall be a uniform amount statewide, determined by the director of development, after consultation with the public benefits advisory board created by section 4928.58 of the Revised Code. The amount shall be determined by dividing an aggregate revenue target for a given year as determined by the director, after consultation with the advisory~~

~~board, by the number of customers of electric distribution utilities in this state in the prior year. Such aggregate revenue target shall not exceed more than fifteen million dollars in any year through 2005 and shall not exceed more than five million dollars in any year after 2005. The rider shall be imposed beginning on the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, and shall terminate at the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(2)~~ Revenues from payments, repayments, and collections under the advanced energy program and from program income;

~~(3)~~ (2) Revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state upon the utility's or cooperative's decision to participate in the advanced energy fund;

~~(4)~~ (3) Revenues from renewable energy compliance payments as provided under division (C)(2) of section 4928.64 of the Revised Code;

~~(5)~~ (4) Revenue from forfeitures under division (C) of section 4928.66 of the Revised Code;

~~(6)~~ (5) Funds transferred pursuant to division (B) of Section 512.10 of S.B. 315 of the 129th general assembly;

~~(7)~~ (6) Interest earnings on the advanced energy fund.

~~(C)(1) Each electric distribution utility in this state shall remit to the director on a quarterly basis the revenues described in divisions (B)(1) and (2) of this section. Such remittances shall occur within thirty days after the end of each~~

~~calendar quarter.~~

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B)(3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B)(3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~

~~(3) All remittances under divisions (C)(1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.~~

Sec. 4928.62. (A) There is hereby created the advanced

energy program, which shall be administered by the director of development. Under the program, the director may authorize the use of moneys in the advanced energy fund for financial, technical, and related assistance for advanced energy projects in this state or for economic development assistance, in furtherance of the purposes set forth in section 4928.63 of the Revised Code.

(1) To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 of the Revised Code.

(2) The funds described in division ~~(B)(6)~~(B)(5) of section 4928.61 of the Revised Code shall not be subject to the territorial requirements of division (A)(1) of this section.

(3) The director shall not authorize financial assistance for an advanced energy project under the program unless the director first determines that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.

(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following to further the public interest in advanced energy projects and economic development:

(1) Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

(2) Acquire in the name of the director any property of any kind or character in accordance with this section, by purchase, purchase at foreclosure, or exchange, on such terms and in such manner as the director considers proper;

(3) Make and enter into all contracts and agreements necessary or incidental to the performance of the director's duties and the exercise of the director's powers under sections 4928.61 to 4928.63 of the Revised Code;

(4) Employ or enter into contracts with financial consultants, marketing consultants, consulting engineers, architects, managers, construction experts, attorneys, technical monitors, energy evaluators, or other employees or agents as the director considers necessary, and fix their compensation;

(5) Adopt rules prescribing the application procedures for financial assistance under the advanced energy program; the fees, charges, interest rates, payment schedules, local match requirements, and other terms and conditions of any grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives; criteria pertaining to the eligibility of participating lending institutions; and any other matters necessary for the implementation of the program;

(6) Do all things necessary and appropriate for the operation of the program.

(C) The department of development may hold ownership to any unclaimed energy efficiency and renewable energy emission allowances provided for in Chapter 3745-14 of the Administrative Code or otherwise, that result from advanced energy projects that receive funding from the advanced energy fund, and it may

use the allowances to further the public interest in advanced energy projects or for economic development.

(D) Financial statements, financial data, and trade secrets submitted to or received by the director from an applicant or recipient of financial assistance under sections 4928.61 to 4928.63 of the Revised Code, or any information taken from those statements, data, or trade secrets for any purpose, are not public records for the purpose of section 149.43 of the Revised Code.

(E) Nothing in the amendments of sections 4928.61, 4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th general assembly shall affect any pending or effected assistance, pending or effected purchases or exchanges of property made, or pending or effected contracts or agreements entered into pursuant to division (A) or (B) of this section as the section existed prior to the effective date of those amendments, January 4, 2007, or shall affect the exemption provided under division (C) of this section as the section existed prior to that effective date.

(F) Any assistance a school district receives for an advanced energy project, including a geothermal heating, ventilating, and air conditioning system, shall be in addition to any assistance provided under Chapter 3318. of the Revised Code and shall not be included as part of the district or state portion of the basic project cost under that chapter.

Sec. 4928.63. The director of development ~~and the public benefits advisory board have~~ has the powers and duties provided in sections 4928.61 and 4928.62 of the Revised Code, in order to promote the welfare of the people of this state; stabilize the economy; assist in the improvement and development within this

state of not-for-profit entity, industrial, commercial, distribution, residential, and research buildings and activities required for the people of this state; improve the economic welfare of the people of this state by reducing energy costs and by reducing energy usage in a cost-efficient manner using, as determined by the director, both the most appropriate national, federal, or other standards for products and the best practices for the use of technology, products, or services in the context of a total facility or building; and assist in the lowering of energy demand to reduce air, water, or thermal pollution. It is hereby determined that the accomplishment of those purposes is essential so that the people of this state may maintain their present high standards in comparison with the people of other states and so that opportunities for improving the economic welfare of the people of this state, for improving the housing of residents of this state, and for favorable markets for the products of this state's natural resources, agriculture, and manufacturing shall be improved; and that it is necessary for this state to establish the program authorized pursuant to sections 4928.61 and 4928.62 of the Revised Code.

Sec. 4928.66. (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or

after September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be as estimated by the public utilities commission. The savings requirement, using such a three-year average, shall increase to an additional five-tenths of one per cent in 2010, seven-tenths of one per cent in 2011, eight-tenths of one per cent in 2012, nine-tenths of one per cent in 2013, and one per cent in 2014. In 2015 and 2016, an electric distribution utility shall achieve energy savings equal to the result of subtracting the cumulative energy savings achieved since 2009 from the product of multiplying the baseline for energy savings, described in division (A)(2)(a) of this section, by four and two-tenths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve additional energy savings for that year, but may achieve additional energy savings for that year. The annual savings requirements shall be, for years 2017, 2018, 2019, and 2020, an additional one per cent of the baseline. For purposes of a waste energy recovery or combined heat and power system, an electric distribution utility shall not apply more than the total annual percentage of the electric distribution utility's industrial-customer load, relative to the electric distribution utility's total load, to the annual energy savings requirement.

(b) Beginning in 2009, an electric distribution utility shall implement peak demand reduction programs designed to achieve a one per cent reduction in peak demand in 2009 and an additional seventy-five hundredths of one per cent reduction

each year through 2014. In 2015 and 2016, an electric distribution utility shall achieve a reduction in peak demand equal to the result of subtracting the cumulative peak demand reductions achieved since 2009 from the product of multiplying the baseline for peak demand reduction, described in division (A)(2)(a) of this section, by four and seventy-five hundredths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve an additional reduction in peak demand for that year, but may achieve an additional reduction in peak demand for that year. In 2017 and each year thereafter through 2020, the utility shall achieve an additional seventy-five hundredths of one per cent reduction in peak demand.

(2) For the purposes of divisions (A)(1)(a) and (b) of this section:

(a) The baseline for energy savings under division (A)(1)(a) of this section shall be the average of the total kilowatt hours the electric distribution utility sold in the preceding three calendar years. The baseline for a peak demand reduction under division (A)(1)(b) of this section shall be the average peak demand on the utility in the preceding three calendar years, except that the commission may reduce either baseline to adjust for new economic growth in the utility's certified territory. Neither baseline shall include the load and usage of any of the following customers:

(i) Beginning January 1, 2017, a customer for which a reasonable arrangement has been approved under section 4905.31 of the Revised Code;

(ii) A customer that has opted out of the utility's portfolio plan under section 4928.6611 of the Revised Code;

(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly.

(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control.

(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an

electric distribution utility pursuant to division (A)(2)(c) of this section, the electric utility's baseline under division (A)(2)(a) of this section shall be adjusted to exclude the effects of all such demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs that may have existed during the period used to establish the baseline. The baseline also shall be normalized for changes in numbers of customers, sales, weather, peak demand, and other appropriate factors so that the compliance measurement is not unduly influenced by factors outside the control of the electric distribution utility.

(d)(i) Programs implemented by a utility may include the following:

(I) Demand-response programs;

(II) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial;

(III) Customer-sited programs, including waste energy recovery and combined heat and power systems;

(IV) Transmission and distribution infrastructure improvements that reduce line losses;

(V) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the ~~universal service~~ electric partnership plan fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures.

(ii) No energy efficiency or peak demand reduction

achieved under divisions (A)(2)(d)(i)(IV) and (V) of this section shall qualify for shared savings.

(iii) Division (A)(2)(c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code.

(e) No programs or improvements described in division (A)(2)(d) of this section shall conflict with any statewide building code adopted by the board of building standards.

(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission an annual report containing the results of its verification of the annual levels of energy efficiency and of peak demand reductions achieved by each electric distribution utility pursuant to division (A) of this section. A copy of the report shall be provided to the consumers' counsel.

(C) If the commission determines, after notice and opportunity for hearing and based upon its report under division (B) of this section, that an electric distribution utility has failed to comply with an energy efficiency or peak demand reduction requirement of division (A) of this section, the commission shall assess a forfeiture on the utility as provided under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code, either in the amount, per day per undercompliance or noncompliance, relative to the period of the report, equal to that prescribed for noncompliances under section 4905.54 of the

Revised Code, or in an amount equal to the then existing market value of one renewable energy credit per megawatt hour of undercompliance or noncompliance. Revenue from any forfeiture assessed under this division shall be deposited to the credit of the advanced energy fund created under section 4928.61 of the Revised Code.

(D) The commission may establish rules regarding the content of an application by an electric distribution utility for commission approval of a revenue decoupling mechanism under this division. Such an application shall not be considered an application to increase rates and may be included as part of a proposal to establish, continue, or expand energy efficiency or conservation programs. The commission by order may approve an application under this division if it determines both that the revenue decoupling mechanism provides for the recovery of revenue that otherwise may be forgone by the utility as a result of or in connection with the implementation by the electric distribution utility of any energy efficiency or energy conservation programs and reasonably aligns the interests of the utility and of its customers in favor of those programs.

(E) The commission additionally shall adopt rules that require an electric distribution utility to provide a customer upon request with two years' consumption data in an accessible form.

(F)(1) As used in divisions (F)(2), (3), and (4) of this section, "portfolio plan" has the same meaning as in division (C)(1) of section 4928.6610 of the Revised Code.

(2) If an electric distribution utility has a portfolio plan in effect as of October 22, 2019, and that plan expires before December 31, 2020, the commission shall extend the plan

through that date. All portfolio plans shall terminate on that date.

(3) If a portfolio plan is extended beyond its commission approved term by division (F)(2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019.

(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F)(2) of this section shall remain the same unless changes are authorized by the commission.

(G)(1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following:

(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code;

(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A)(2)(a)(i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A)(2)(a) of this section and adjusted and normalized as provided in division (A)(2)(c) of this section.

(2)(a) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1) of this section is at least seventeen and one-half per cent of the baseline described in division (G)(1)(b) of this section, then full compliance with division (A)(1)(a) of this section shall be deemed to have been achieved notwithstanding any provision of this section to the contrary.

(b) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1) of this section is less than seventeen and one-half per cent of the baseline described in division (G)(1)(b) of this section, then both of the following shall apply:

(i) The commission shall determine the manner in which further implementation of energy efficiency programs shall occur as may be reasonably necessary for collective achievement of cumulative energy savings equal to seventeen and one-half per cent, and not more, of the baseline described in division (G)(1)(b) of this section.

(ii) Full compliance with division (A)(1)(a) of this section shall be deemed to be achieved as of a date certain established by the commission notwithstanding any provision of this section to the contrary.

(3) Upon the date that full compliance with division (A)(1)(a) of this section is deemed achieved under division (G)(2)(a) or (b) of this section, any electric distribution utility cost recovery mechanisms authorized by the commission for compliance with this section shall terminate except as may be necessary to reconcile the difference between revenue collected and the allowable cost of compliance associated with compliance efforts occurring prior to December 31, 2021, for programs re-

established under section 4928.661 of the Revised Code, and prior to the date upon which full compliance with division (A)(1)(a) of this section is deemed achieved, for all other compliance efforts. No such cost recovery mechanism shall be authorized by the commission beyond the period of time required to complete this final reconciliation.

Sec. 4928.67. (A)(1) Except as provided in division (A)(2) of this section, an electric utility shall develop a standard contract or tariff providing for net metering.

That contract or tariff shall be identical in rate structure, all retail rate components, and any monthly charges to the contract or tariff to which the same customer would be assigned if that customer were not a customer-generator.

(2) An electric utility shall also develop a separate standard contract or tariff providing for net metering for a hospital, as defined in section 3701.01 of the Revised Code, that is also a customer-generator, subject to all of the following:

(a) No limitation, including that in divisions (A)(31)(a) and (d) of section 4928.01 of the Revised Code, shall apply regarding the availability of the contract or tariff to such hospital customer-generators.

(b) The contract or tariff shall be based both upon the rate structure, rate components, and any charges to which the hospital would otherwise be assigned if the hospital were not a customer-generator and upon the market value of the customer-generated electricity at the time it is generated.

(c) The contract or tariff shall allow the hospital customer-generator to operate its electric generating facilities

individually or collectively without any wattage limitation on size.

(B)(1) Net metering under this section shall be accomplished using a single meter capable of registering the flow of electricity in each direction. If its existing electrical meter is not capable of measuring the flow of electricity in two directions, the customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is capable of measuring electricity flow in two directions.

(2) The electric utility, at its own expense and with the written consent of the customer-generator, may install one or more additional meters to monitor the flow of electricity in each direction.

(3) Consistent with the other provisions of this section, the measurement of net electricity supplied or generated shall be calculated in the following manner:

(a) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the utility, in accordance with normal metering practices. If electricity is provided to the utility, the credits for that electricity shall appear in the next billing cycle.

(c) With respect to a net metering system for a mercantile customer that is not located on the customer-generator's

premises, both of the following apply:

(i) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the utility during the billing period, the customer-generator shall be billed for the generation service for the net electricity supplied by the utility.

(ii) The customer-generator shall be billed for distribution and transmission service for all electricity used by the customer-generator, in accordance with normal metering practices, according to the rates and charges contained in the utility's tariffs.

(4) A net metering system used by a customer-generator shall meet all applicable safety and performance standards established by the national electrical code, the institute of electrical and electronics engineers, and underwriters laboratories.

(C) The public utilities commission shall adopt rules relating to additional control and testing requirements for customer-generators that the commission determines are necessary to protect public and worker safety and system reliability.

(D) An electric utility shall not require a customer-generator whose net metering system meets the standards and requirements provided for in divisions (B)(4) and (C) of this section to do any of the following:

(1) Comply with additional safety or performance standards;

(2) Perform or pay for additional tests;

(3) Purchase additional liability insurance.

Sec. 4928.75. ~~Beginning in fiscal year 2021 and each fiscal year thereafter, the~~ The director of ~~development~~ job and family services shall, in each fiscal year, submit a completed waiver request in accordance with section 96.83 of Title 45 of the Code of Federal Regulations to the United States department of health and human services and any other applicable federal agencies for the state to expend twenty-five per cent of federal low-income home energy assistance programs funds from the home energy assistance block grants for weatherization services allowed by section 96.83(a) of Title 45 of the Code of Federal Regulations to the United States department of health and human services.

Sec. 5101.101. (A) This section establishes the order of priority to be followed by the department of job and family services when distributing funds for the purpose of providing family planning services, including funds the department receives through Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and funds the department receives through Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for purposes of providing Title XX social services. This section does not apply to payments made under the medicaid program.

(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that

provide or are able to provide family planning services.

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority:

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code;

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.

Sec. 5101.211. The director of job and family services or the director of children and youth may provide for a grant agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of an odd-numbered year if both of the following are the case:

(A) The agreement is entered into after that date and before the last day of that July.

(B) The board of county commissioners requests the retroactive effective date and provides the director good cause satisfactory to the director for the reason the agreement was not entered into on or before the first day of that July.

Sec. 5101.212. The department of job and family services or the director of children and youth shall publish in a manner accessible to the public all of the following that concern family services duties for which grants included in grant agreements entered into under section 5101.21 of the Revised Code are awarded: state plans for receipt of federal financial participation, agreements between the department and a federal agency, and executive orders issued by the governor. The department may publish the materials electronically or otherwise.

Sec. 5101.215. If the director of job and family services or the director of children and youth enters into an agreement or contracts with, or issues a grant to, a religious organization under section 5101.214 of the Revised Code, the religious organization shall comply with section 104 of the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (P.L. 104-193).

Sec. 5101.222. The director of job and family services or the director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code to implement sections 5101.22 to 5101.222 of the Revised Code. If the director adopts the rules, the director shall adopt the rules as if they were internal management rules.

Sec. 5101.242. The department of job and family services or the director of children and youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a responsible county grantee or responsible entity to recover any funds that the department determines the responsible county grantee or responsible entity owes the department for actions

taken under division (C)(2), (3), (4), or (5) of section 5101.24 or 5101.241 of the Revised Code.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

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

(B) "County agency" means a county department of job and family services or a public children services agency.

(C) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(D) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, the department of children and youth, a county agency, or an entity performing duties on behalf of the department or a county agency.

(E) "Law enforcement agency" has the same meaning as in section 109.573 of the Revised Code.

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

(G) "Public assistance" means financial assistance or

social services that are provided under a program administered by the department of job and family services, department of children and youth, or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(H) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

(I) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code.

(J) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section.

Sec. 5101.272. (A) For the purposes of section 5101.27 of the Revised Code, an authorization shall be made on a form that uses language understandable to the average person and contains all of the following:

(1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion;

(2) The name or other specific identification of the person or class of persons authorized to make the requested use or disclosure;

(3) The name or other specific identification of the

person or governmental entity to which the information may be released;

(4) A description of each purpose of the requested use or disclosure of the information;

(5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire;

(6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure;

(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed;

(8) If signed by an authorized representative, a description of the representative's authority to act for the individual;

(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following:

(a) A description of how the individual or authorized representative may revoke the authorization;

(b) If the department of job and family services' or department of children and youth's privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice.

(10) A statement that treatment, payment, enrollment, or eligibility for public assistance cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance program.

(B) When an individual requests information pursuant to section 5101.27 of the Revised Code regarding the individual's receipt of public assistance and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section.

Sec. 5101.273. The department of job and family services or the department of children and youth shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a public assistance recipient to the extent necessary to participate as an active member in the public assistance reporting information system.

Sec. 5101.28. (A)(1) On request of the department of job and family services, the department of children and youth, or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department of job and family services, department of children and youth, or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a fugitive felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(2) A county agency may enter into a written agreement

with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with this section.

(B) To the extent permitted by federal law, the department of job and family services, department of children and youth, and county agencies shall provide information regarding recipients of public assistance to a law enforcement agency on request for use in the performance of the law enforcement agency's official duties.

(C) Information about a public assistance recipient shall be exchanged, obtained, or shared only if the department of job and family services, department of children and youth, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (A) of this section, or any information considered appropriate by the department of job and family services, department of children and youth or agency.

(D)(1) The department of job and family services, department of children and youth, and ~~its~~ each department's officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. This section does not affect any immunity or defense that the department of job and family services, department of children and youth, and ~~its~~ each department's officers and employees may be entitled to

under another section of the Revised Code or the common law of this state, including section 9.86 of the Revised Code.

(2) The county agencies and their employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. "Employee" has the same meaning as in division (B) of section 2744.01 of the Revised Code. This section does not affect any immunity or defense that the county agencies and their employees may be entitled to under another section of the Revised Code or the common law of this state, including section 2744.02 and division (A)(6) of section 2744.03 of the Revised Code.

(E) To the extent permitted by federal law, the department of job and family services, department of children and youth, and county agencies shall provide access to information to the auditor of state acting pursuant to Chapter 117. or sections 5101.181 and 5101.182 of the Revised Code and to any other government entity authorized by federal law to conduct an audit of, or similar activity involving, a public assistance program.

(F) To the extent permitted by law, nothing in this section prohibits the department of job and family services, the department of children and youth, county departments of job and family services, and employees of the departments from reporting to a public children services agency or other appropriate agency information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment, of a child.

Sec. 5101.30. (A) The director of job and family services and the director of children and youth shall adopt rules in

accordance with Chapter 119. of the Revised Code implementing sections 5101.26 to 5101.30 of the Revised Code and governing the custody, use, disclosure, and preservation of the information generated or received by the department of job and family services, the department of children and youth, county agencies, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of public assistance programs. The rules shall comply with applicable federal statutes and regulations.

(1) The rules shall specify conditions and procedures for the release of information which may include, among other conditions and procedures, both of the following:

(a) Permitting providers of services or assistance under public assistance programs limited access to information that is essential for the providers to render services or assistance or to bill for services or assistance rendered. The department of aging, when investigating a complaint under section 173.20 of the Revised Code, shall be granted any limited access permitted in the rules pursuant to division (A)(1) of this section.

(b) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or county agency. A contractor, grantee, or entity given access to information pursuant to division (A)(2) of this section is bound by the director's rules, and disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5101.27 of the Revised Code.

(2) The rules may define who is an "authorized representative" for purposes of sections 5101.27 and 5101.272 of

the Revised Code.

(B) Whenever names, addresses, or other information relating to public assistance recipients is held by any agency other than the department or a county agency, that other agency shall adopt rules consistent with sections 5101.26 to 5101.30 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients.

Sec. ~~122.66~~ 5101.311. As used in sections ~~122.66~~ 5101.311 to ~~122.702~~ 5101.318 of the Revised Code:

(A) "Poverty line" means the official poverty line established by the director of the United States office of management and budget and as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902.

(B) "Low-income person" means a person whose adjusted gross income as defined in division (A) of section 5747.01 of the Revised Code is below the poverty line as defined in division (A) of this section.

(C) "Advocacy" means the act of pleading for, supporting, or recommending actions on behalf of low-income persons.

(D) "Community action agency" means a community-based and operated private nonprofit agency or organization that includes or is designed to include a sufficient number of projects or components to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem and is designated as a community action agency by the ~~community services division~~

department of job and family services pursuant to sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code.

(E) "Community" means a city, village, county, multicity or multicounty unit, a neighborhood or other area, disregarding boundaries or political subdivisions, which provides a suitable organizational base and possesses a commonality of needs and interests for a community action program suitable to be served by a community action agency.

(F) "Service area" means the geographical area served by a community action agency.

Sec. ~~122.67~~ 5101.312. ~~There is hereby created in the development services agency the community services division.~~ The director of ~~development services~~ job and family services shall employ and fix the compensation of professional and technical unclassified personnel as necessary to carry out the provisions of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised Code.

Sec. ~~122.68~~ 5101.313. The ~~community services division~~ department of job and family services shall:

(A) Administer all federal funds appropriated to the state from the "Community Services Block Grant Act," 95 Stat. 511, 42 U.S.C.A. 9901, and comply with requirements imposed by that act in its application for, and administration of, the funds;

(B) Designate community action agencies to receive community services block grant funds;

(C)(1) Subject to division (C)(2) of this section, disburse at least ninety-one per cent of the funds received in the state from the "Community Services Block Grant Act" to community action agencies that comply with the requirements of

section ~~122.69~~ 5101.315 of the Revised Code and migrant and seasonal farm worker organizations that are not designated community action agencies but which provide the services described in division (B)(1) of section ~~122.69~~ 5101.315 of the Revised Code;

(2) Disburse at least four and one-half per cent of the funds received in the state from the "Community Services Block Grant Act" to one or more nonprofit organizations to which both of the following apply:

(a) The organization or organizations were incorporated under the laws of this state before January 1, 2015.

(b) The primary purpose of the organization or organizations is to provide training and technical assistance to community action agencies that comply with the requirements of section ~~122.69~~ 5101.315 of the Revised Code.

(D) Provide technical assistance to community action agencies to improve program planning, development, and administration;

(E) Conduct yearly performance assessments, according to criteria determined by ~~development services agency~~ department of job and family services rule, to determine whether community action agencies are in compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(F) Annually prepare and submit to the United States secretary of health and human services, the governor, the president of the Ohio senate, and the speaker of the Ohio house of representatives, a comprehensive report that includes:

(1) Certification that all community action agencies designated to receive funds from the "Community Services Block

Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(2) A program plan for the next federal fiscal year that has been made available for public inspection and that details how community services block grant funds will be disbursed and used during that fiscal year;

(3) Information detailing how funds were expended for the current fiscal year;

(4) An audit of community services block grant expenditures for the preceding federal fiscal year that is conducted in accordance with generally accepted accounting principles by an independent auditing firm that has no connection with any community action agency receiving community services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic opportunities for low-income persons.

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this section, or when required by federal law, no person or government entity shall solicit, release, disclose, receive, use, or knowingly permit or participate in the use of any information regarding an individual receiving assistance pursuant to a ~~community services division~~ department of job and family services program under sections ~~122.66~~ 5101.311 to ~~122.702~~ 5101.318 of the Revised Code for any purpose not directly related to the administration of a ~~division~~ department assistance program.

(B) To the extent permitted by federal law, the ~~division~~department, and any entity that receives ~~division~~ department funds to administer a ~~division~~ department program to

assist individuals, shall release information regarding an individual assistance recipient to the following:

(1) A government entity responsible for administering the assistance program for purposes directly related to the administration of the program;

(2) A law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of the assistance program;

(3) A government entity responsible for administering a children's protective services program, for the purpose of protecting children;

(4) Any appropriate person in compliance with a search warrant, subpoena, or other court order.

(C) To the extent permitted by federal law and section 1347.08 of the Revised Code, the ~~division~~department, and any entity administering a ~~division~~ department program, shall provide access to information regarding an individual assistance recipient to all of the following:

(1) The individual assistance recipient;

(2) The authorized representative of the individual assistance recipient;

(3) The legal guardian of the individual assistance recipient;

(4) The attorney of the individual assistance recipient.

(D) To the extent permitted by federal law, the ~~division~~department, and any entity administering a ~~division~~ department program, may do either of the following:

(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization;

(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need.

(E) The ~~community services division~~department of job and family services, or an entity administering a ~~division~~ department program, shall provide, at no cost, a copy of each written authorization to the individual who signed it.

(F) The ~~development services agency~~ department may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section.

Sec. ~~122.69~~ 5101.315. (A) Any nonprofit agency or organization seeking designation as a community action agency by the ~~community services division~~ department of job and family services shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.

(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the ~~division~~ department as the community action agency for the community it serves and shall receive community services block grant funds for any period of time that the nonprofit agency or organization:

(1) Provides a range of services and opportunities having

a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities may include but shall not be limited to:

(a) Providing activities designed to assist low-income persons, including low-income persons who are elderly and who have disabilities, to:

(i) Secure and maintain meaningful employment, training, work experience, and unsubsidized employment;

(ii) Attain an adequate education;

(iii) Make better use of available income;

(iv) Obtain and maintain adequate housing and a suitable living environment;

(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;

(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;

(vii) Achieve greater participation in the affairs of the community;

(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;

(ix) Obtain energy assistance, conservation, and weatherization services.

(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary

to counteract conditions of starvation and malnutrition among low-income persons;

(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;

(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to persons who are elderly and who have disabilities;

(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community.

(2) Annually submits to the ~~division~~ department a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the ~~division~~department, a copy of the program plan and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget.

(3) Composes its board of directors in compliance with ~~section (e)(3) of section 675 of~~ the "Community Services Block Grant Act," ~~95 Stat. 1609,~~ 42 ~~U.S.C.A. 9904~~U.S.C. 9901, except that the board shall consist of not less than fifteen nor more than thirty-three members;

(4) Complies with the prohibitions against discrimination and political activity, as provided in the "Community Services Block Grant Act";

(5) Complies with fiscal and program requirements

established by ~~development services agency~~ department rule.

Sec. ~~122.70~~ 5101.316. The board of directors of a community action agency shall:

(A) Select, appoint, and may remove the executive director of the community action agency;

(B) Approve contracts, annual program budgets, and policies of the community action agency;

(C) Advise the elected officials of any political subdivision located within its service area, and state and federal elected officials who represent its service area, of the nature and extent of poverty within its community, and advise them of any needed changes;

(D) Convene public meetings to provide community members the opportunity to comment on public policies and programs to reduce poverty;

(E) Annually evaluate the policies and programs of the community action agency according to criteria determined by ~~development services agency~~ department of job and family services rule;

(F) Submit the results of the evaluation required by division (E) of this section, along with recommendations for improved administration of the community action agency, to the ~~community services division~~department;

(G) Adopt a code of ethics for the board of directors and the employees of the community action agency;

(H) Adopt written policies describing all of the following:

(1) How the community action agency is to expend and distribute the community services block grant funds that it receives from the division under sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code;

(2) The salary, benefits, travel expenses, and any other compensation that persons are to receive for serving on the community action agency's board of directors;

(3) The operating procedures to be used by the board to conduct its meetings, to vote on all official business it considers, and to provide notice of its meetings.

(I) Provide for the posting of notices in a conspicuous place indicating that the code of ethics described in division (G) of this section and the policies described in division (H) of this section are available for public inspection at the community action agency during normal business hours.

Sec. ~~122.701~~ 5101.317. (A) Prior to designating a new community action agency or rescinding a community action agency's designation, the ~~community services division~~ department of job and family services shall:

(1) Determine whether a community action agency is in compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(2) Consult with the chief elected officials of political subdivisions located within a community action agency's service area, and, in designating a new community action agency, obtain their endorsement of the agency in accordance with division (A) of section ~~122.69~~ 5101.315 of the Revised Code;

(3) Hold at least one public meeting within a community action agency's service area for the purpose of allowing citizens to comment on the community action agency's delivery of

services;

(4) Evaluate the proposed service area of the community action agency, and, as may be necessary, modify the boundaries of the service area so that low-income persons in the area are adequately and efficiently served.

(B) After providing notice and hearing pursuant to sections 119.01 to 119.13 of the Revised Code, the director of ~~development~~ job and family services:

(1) May rescind the designation of a community action agency after finding that the agency is not in compliance with any or all of the provisions of section ~~122.69~~ 5101.315 of the Revised Code;

(2) Shall rescind the designation of a community action agency upon notification from the chief elected officials of more than one-half of the municipal corporations and the counties within a community currently served by a community action agency that such agency is not endorsed by them and after finding that the agency is not in compliance with section ~~122.69~~ 5101.315 of the Revised Code.

Any agency whose designation is rescinded pursuant to this section may appeal from an order rescinding such designation pursuant to section 119.12 of the Revised Code.

Sec. ~~122.702~~ 5101.318. The general assembly shall conduct public hearings ~~each year~~ on ~~the proposed use and distribution of~~ community services block grant funds, as required by section ~~675(b)~~676 of the "Community Services Block Grant Act," ~~95 Stat. 1609,~~ 42 ~~U.S.C.A. 9904~~U.S.C. 9901.

Sec. 5101.33. (A) As used in this section, "benefits" means any of the following:

(1) Cash assistance paid under Chapter 5107. of the Revised Code;

(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code;

(3) Any other program administered by the department of job and family services or the department of children and youth under which assistance is provided or service rendered;

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.

(B) The department of job and family services or department of children and youth may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following:

(1) Contracting with an agent to supply debit cards to the department of job and family services or the department of children and youth for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services or the director of children and youth pursuant to law;

(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system;

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their

facilities;

(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer;

(5) Satisfying any applicable requirements of federal and state law.

(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following:

(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;

(2) A fee for having the benefits provided through the electronic benefit transfer system.

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department of job and family services or the department of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 5101.35. (A) As used in this section:

(1)(a) "Agency" means the following entities that

administer a family services program:

(i) The department of job and family services;

(ii) The department of children and youth;

(iii) A county department of job and family services;

(iv) A public children services agency;

(v) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services, the department of children and youth, or a county department of job and family services or public children services agency.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.

(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3)(a) "Family services program" means all of the following:

(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;

(ii) Programs that provide assistance under Chapter 5104. of the Revised Code;

(iii) Programs that provide assistance under section

~~5101.141,~~ 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 5180.42 of the Revised Code;

(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the department of mental health and addiction services, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "family services program" includes medical assistance programs.

(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services or the department of children and youth, as appropriate. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services, director of children and youth, or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services, the director of children and youth, or either director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(2) The appellant shall mail the notice of appeal to the department of job and family services or director of children and youth, as appropriate, and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(3) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family service and department of children and youth, as applicable, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family

services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;

(4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The department of job and family services and the department of children and youth, as applicable, may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in

treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.351. The department of job and family services or the department of children and youth may employ or contract with hearing officers to draft and recommend state hearing decisions under division (B) of section 5101.35 of the Revised Code. The department may employ or contract with hearing authorities to issue state hearing decisions under division (B) of section 5101.35 of the Revised Code. A hearing authority employed or contracted with under this section is not required to have been admitted to the practice of law in this state.

Sec. 5101.38. The department of job and family services or the department of children and youth may appoint and commission any competent officer, employee, agency, or person to serve as a special agent, investigator, or representative to perform a designated duty for and in behalf of the department. Specific credentials shall be given by the department to each person so designated, and each credential shall state:

(A) The person's name;

(B) Agency with which such person is connected;

(C) Purpose of appointment;

(D) Date of expiration of appointment, if appropriate;

(E) Such information as the department considers proper.

Sec. 5101.461. (A) As used in this section:

(1) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(2) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) To the extent authorized by federal law, the department of job and family services or the department of children and youth may use funds received through the Title IV-A temporary assistance for needy families block grant for purposes of providing Title XX social services. The amount used under this section shall not exceed the maximum amount permitted by federal law. The funds and provision of Title XX social services with the funds are not subject to section 5101.46 of the Revised Code.

Funds distributed under this section for the purpose of providing family planning services shall be distributed by a county department of job and family services according to the same order of priority that applies to the department of job and family services under section 5101.101 of the Revised Code.

(C) The department and any county department of job and family services may require an entity under contract to provide Title XX social services with funds used under this section to submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or county department for the cost it incurred in conducting the audit or having the audit conducted.

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the state department or county department the amount of the adverse findings. The amount shall not be reimbursed with funds received under this section. The state department and county departments may terminate or refuse to enter into a contract with a social services provider to provide services with funds available pursuant to this section if there are adverse findings in an audit that are the responsibility of the provider.

(D) The state department of job and family services or the department of children and youth may adopt rules to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5101.612. (A) As used in this section, "federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

(B) Within available funds, the department of job and family services shall distribute funds to the counties not later than thirty days after the beginning of each calendar quarter for a part of the counties' costs for protective services. Funds provided to a county under this section shall be deposited into the public assistance fund created under section 5101.161 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county aged sixty or older bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty

line bears to the total number of such persons in this state.

(D) Not later than ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code to allocate funds under this section and prescribe reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.

(3) "Title IV-A administrative agency" means both of the following:

(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services or the department of children and youth;

(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title

IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services or department of children and youth pursuant to section 5101.801 of the Revised Code;

(d) The kinship permanency incentive program created under section ~~5101.802~~ 5180.52 of the Revised Code;

(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;

(f) The Ohio parenting and pregnancy program created under section ~~5101.804~~ 5180.71 of the Revised Code;

(g) Fatherhood programs recommended by the Ohio commission on fatherhood under section ~~5101.805~~ 5180.704 of the Revised Code;

(h) A component of a Title IV-A program identified under divisions (A)(4)(a) to (g) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.

(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this

section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.

(C) The department of job and family services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs;

(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (h) of this section;

(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs;

(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs;

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;

(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, ~~5101.802,~~ 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department with reports at times the

department specifies.

(11) Not later than the last day of each January and July, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the

governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(2) The department of job and family services and the department of children and youth may enter into an agreement with a government entity and, to the extent permitted by federal law, a private, not-for-profit entity for the entity to receive funding for a project under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(3) To the extent permitted by federal law, the department of children and youth may enter into an agreement with a private, not-for-profit entity for the entity to receive funds under the Ohio parenting and pregnancy program created under section ~~5101.804~~ 5180.71 of the Revised Code.

(4) To the extent permitted by federal law, the department of children and youth may enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Ohio commission on fatherhood under section ~~5101.805~~ 5180.704 of the Revised Code.

(C) The department of job and family services and the department of children and youth, may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), (g), and (h) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of either department or between either department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department of job and family services or the department of children and youth, enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), (f), (g), or (h) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is to provide;

(b) The methods of program or project administration;

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;

(d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included.

(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;

(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:

(a) Limitations on administrative costs;

(b) The department of job and family services or the

department of children and youth, as applicable, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following:

(a) Ensuring that the other entity complies with the agreement between the state agency or entity and the department of job and family services or the department of children and youth, as applicable and federal statutes and regulations and state statutes and rules governing the use of funds for the program or project;

(b) Auditing the other entity in accordance with requirements established by the United States office of management and budget.

(6) The state agency or entity's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal

government, auditor of state, department of job and family services or the department of children and youth, as applicable, a court, or other entity regarding funds for the program or project;

(7) Provisions for the department of job and family services or the department of children and youth, as applicable, to terminate the agreement or withhold reimbursement from the state agency or entity if either of the following occur:

(a) The federal government disapproves the program or project or reduces federal funds for the program or project;

(b) The state agency or entity fails to comply with the terms of the agreement.

(8) Provisions for both of the following:

(a) The department of job and family services or the department of children and youth, as applicable, and state agency or entity determining the performance outcomes expected for the program or project;

(b) An evaluation of the program or project to determine its success in achieving the performance outcomes determined under division (D)(8)(a) of this section.

(E) To the extent consistent with the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program and subject to the approval of the director of budget and management, the director of job and family services or the director of children and youth, as applicable, may terminate a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code or reduce funding for the program if the applicable director determines that federal or state funds

are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director of job and family services or the department of children and youth, as applicable, shall issue instructions for the termination or funding reduction. If a Title IV-A administrative agency is administering the program, the agency is bound by the termination or funding reduction and shall comply with the applicable director's instructions.

(F) The director of job and family services and the director of children and youth may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of the Revised Code:

(A) "Youth" means a person who is any of the following:

(1) Less than eighteen years of age;

(2) An emancipated young adult;

(3) Is in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services.

(B) "Emancipated young adult" has the same meaning as in section ~~5101.141~~ 5180.42 of the Revised Code.

Sec. 5101.891. (A) There is created a youth and family ~~ombudsman~~ ombudsmen office under the department of job and family services consisting of the following:

(1) A family ombudsman, who shall be appointed by the governor, to investigate complaints made by adults;

(2) A youth ombudsman, who shall be appointed by the governor with advice from the overcoming hurdles in Ohio youth advisory board, to investigate complaints made by youth and to advocate for the best interests of children involved in concerns investigated by the office;

(3) Not fewer than two regional ombudsmen;

(4) Any necessary support staff.

(B) The office shall investigate and resolve concerns made by or on behalf of children and families involved with public children services agencies, Title IV-E agencies, or private provider agencies that administer or oversee foster care or placement services for the children services system. The office shall ensure the independent and impartial review of youth, family, and community complaints or concerns.

Sec. 5101.892. The youth and family ~~ombudsman~~ ombudsmen office shall perform all of the following duties:

(A) Receive, investigate, and attempt to resolve complaints from citizens, including children in the custody of a public children services agency or in the care and placement of a Title IV-E agency, related to government services regarding child protective services, foster care, and adoption;

(B) Establish procedures for receiving, investigating, and resolving complaints, consistent with state and federal law;

(C) Provide an annual report to the governor, speaker of the house of representatives, president of the senate, minority leadership of the house of representatives and senate, the

director of job and family services, the director of children and youth, and representatives of the overcoming hurdles in Ohio youth advisory board.

Sec. 5101.893. Not later than sixty days after release of the annual report described under section 5101.892 of the Revised Code, the overcoming hurdles in Ohio youth advisory board shall provide an evaluation of the report to the governor and the youth ombudsman of the youth and family ~~ombudsman~~ ombudsmen office.

Sec. 5101.894. To the extent permitted by state or federal law, a representative of the youth and family ~~ombudsman~~ ombudsmen office may report to an appropriate authority any suspected violation of state law discovered during the course of a complaint review.

Sec. 5101.895. The department of job and family services shall be responsible for all administrative undertakings for the youth and family ~~ombudsman~~ ombudsmen office, including the provision of offices, equipment, and supplies, as necessary.

Sec. 5101.897. (A) No employee of the youth and family ~~ombudsman~~ ombudsmen office shall do any of the following:

(1) Hold any office of trust or profit;

(2) Engage in any occupation or business interfering or inconsistent with the duties of the office;

(3) Serve on any committee of any political party;

(4) Have any interest that is, or may be, in conflict with the interests and concerns of the office.

(B) As used in this section, "office of trust or profit" means any of the following:

(1) A federal or state elective office or an elective office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States.

Sec. 5101.899. (A) The youth and family ~~ombudsman~~ ombudsmen office shall have access to ~~only~~ the records of the department of children and youth and the department of job and family services that are necessary for the administration of sections 5101.89 to 5101.899 of the Revised Code and in the performance of its official duties, including any records maintained in the uniform statewide automated child welfare information system under section ~~5101.13~~ 5180.40 of the Revised Code. The office has the right to request of the director of children and youth and the director of job and family services necessary information from any work unit of the department having information. The collection, compilation, analysis, and dissemination of information by the office shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records.

(B) The office shall have access to any necessary records in the control of a public children services agency, a Title IV-E agency, or a private provider agency that administers or oversees foster care or placement services for the children services system.

(C) Files of the office and any records contained in those files are not public records subject to inspection or copying under section 149.43 of the Revised Code. Information contained in investigative and other files maintained by the office shall be disclosed only at the discretion of the office or if disclosure is required by a court order.

Sec. 5101.99. (A) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates ~~section 5101.133,~~ division (A) of section 5101.63~~,~~ or division (C)(2) of section 5101.631 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or

is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education and workforce, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(c) A private, nonprofit therapeutic wilderness camp;

(d) A qualified organization as defined in section 2151.90 of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent,

guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of children and youth take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Revoke a certificate.

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.

Sec. 5103.021. (A) As used in this section, a "scholars residential center" is a center that meets all of the following:

(1) The center is a certified affiliate in good standing of a national organization with a mission to help underserved children in middle school and high school in a comprehensive manner that is academically focused and service-oriented and in a family-like setting.

(2) The center is private and not-for-profit.

(3) The center does not receive Title IV-E funding or any associated Title IV funds related to child welfare.

(4) The center only accepts children placed by their parents or legal custodian.

(5) The center is voluntary and uses a competitive selection process.

(B) The director of ~~job and family services~~ children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards regarding a scholars residential center. The rules shall be substantially similar, as determined by the director, to other similarly situated providers of residential care for children, including rules provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative Code, except that the rules shall reflect all of the following:

(1) A center is not subject to any policy that is not specific or relevant to the center.

(2) A center is not required to provide discharge summaries.

(3) A center is permitted to request agency waivers.

(4) A center is not required to implement case plans or service plans.

(5) Training requirements for center staff are limited to completion of all of the following:

(a) Orientation training;

(b) Current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation certification;

(c) One hour of annual trauma training.

(6) A center is not subject to existing rules regarding:

(a) Recreation and leisure activity requirements, provided that the center has a recreation area available and permits children to swim if a person who has completed life-saving or water safety training is present;

(b) Visiting and communications policies, provided that the center ensures that children have contact with their family;

(c) Qualified residential treatment program requirements;

(d) Treatment-focused requirements established for residential agencies.

(7) A center shall provide notification and documentation of critical incidents to parents and legal custodians.

(C) The director shall certify a scholars residential center that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the center meets the standards set forth in rules adopted under division (B) of this section.

Sec. 5103.039. (A) The department of children and youth may suspend, without a prior hearing, the certificate of an institution or association, as defined in section 5103.02 of the

Revised Code, which includes a foster caregiver, if any of the following occur:

(1) A child dies or suffers a serious injury while placed or residing with the institution or association, including a foster home, as defined in section 5103.02 of the Revised Code.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) A principal of the institution or association;

(b) An employee or volunteer of the institution or association who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the foster home.

(3) One of the following is charged by an indictment, information, or complaint with an offense relating to the death, injury, abuse, or neglect of a child:

(a) A principal of the institution or association;

(b) An employee or volunteer of the institution or association who has not immediately been placed on administrative leave or released from employment.

(4) The department, the recommending agency, a public children services agency, or a county department of job and family services determines that a principal, employee, or volunteer of the institution or association, including a foster caregiver, or a person residing in the foster home, created a serious risk to the health or safety of a child placed therein that resulted in or could have resulted in a child's death or

injury.

(5) The department determines that the owner of the institution or association or the foster caregiver does not meet the requirements of section 2151.86, 5103.0310, or 5103.053 of the Revised Code.

(B) In suspending a license under division (A) of this section, the department shall comply with section 119.07 of the Revised Code. A principal of an institution or association, including a foster caregiver, may request an adjudicatory hearing before the department pursuant to sections 119.06 and 119.12 of the Revised Code. If a hearing is requested and the department does not issue its final adjudication order within one hundred twenty days after the suspension, the suspension is void on the one hundred twenty-first day after the suspension, unless the hearing on the suspension is continued on agreement by the parties or for good cause.

(C) A summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) An institution or association shall not have children placed in the institution or association while a summary suspension remains in effect. Upon the issuance of the order of

suspension, the department shall place a hold on the certificate or indicate that the certificate is suspended in Ohio's statewide automated child welfare information system.

(E) The director of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of certificates.

(F) This section does not limit the authority of the department to revoke a certificate pursuant to section 5103.03 of the Revised Code.

(G) As used in this section, "principal" means any of the following:

(1) The institution or association's administrator or director;

(2) The institution or association's owners or partners;

(3) Members of the institution or association's governing body;

(4) A foster caregiver.

Sec. 5103.0329. ~~(A)~~ A recommending agency may submit a request to the department of children and youth, on a case-by-case basis only, to waive any non-safety standards for a kinship caregiver seeking foster home certification. Non-safety standards include training hours and other requirements under sections 5103.031, 5103.032, and 5103.039 of the Revised Code and standards established by rules adopted under sections 5103.03 and 5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 (a)(10).

~~(B) "Kinship caregiver" has the same meaning as in section~~

~~5101.85 of the Revised Code.~~

Sec. 5103.09. (A) As used in this section, "Title IV-E agency" has the same meaning as in section 5101.132 of the Revised Code.

(B) Upon receiving the care and placement of a child, a Title IV-E agency shall determine if the child is eligible for or receiving benefits administered by the United States social security administration, the United States department of veterans affairs, the Ohio public employee retirement system, the Ohio police and fire pension fund, the state teachers retirement system of Ohio, the school employees retirement system of Ohio, or the Ohio highway patrol retirement system. If the child is eligible for or receiving such benefits, the agency shall not use the child's benefits to pay for or reimburse the agency, county, or state for any cost of the child's care.

(C) The director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code to implement this section, including the establishment of new procedures necessary to assist a Title IV-E agency in complying with this section.

Sec. 5103.15. (A)(1) The parents, guardian, or other persons having the custody of a child may enter into an agreement with any public children services agency or private child placing agency, whereby the child is placed without the approval of the juvenile court in the temporary custody of the agency for a period of time of up to thirty days, except that an agreement for temporary custody can be for a period of time of up to sixty days without court approval if the agreement is executed solely for the purpose of obtaining the adoption of a child who is less than six months of age on the date of the

execution of the agreement.

(2) Except as provided in division (A)(3) of this section for agreements entered into to obtain the adoption of a child under the age of six months, any public children services agency or private child placing agency that obtains, without court approval, temporary custody of a child pursuant to an agreement executed in accordance with this division may request the juvenile court of the county in which the child has a residence or legal settlement for an original thirty-day extension of the temporary custody agreement. Upon the filing of a request for the extension of the temporary custody agreement, the juvenile court shall determine whether the extension is in the best interest of the child and may extend the temporary custody agreement for a period of thirty days beyond the initial thirty-day period for which court approval is not required by this division. The agency requesting the original extension shall file a case plan, prepared pursuant to section 2151.412 of the Revised Code, with the court at the same time that it files its request for an extension.

At the expiration of the original thirty-day extension period, the agency may request the juvenile court to grant an additional thirty-day extension of the temporary custody agreement. Upon the filing of the request for the additional extension, the juvenile court may extend the temporary custody agreement for a period of thirty days beyond the original thirty-day extension period if it determines that the additional extension is in the best interest of the child. The agency shall file an updated version of the child's case plan at the same time that it files its request for an additional extension.

At the expiration of an additional thirty-day extension

period and at the expiration of the original thirty-day extension period if the agency does not request an additional thirty-day extension, the agency shall either return the child to the child's parents, guardian, or other person having custody of the child or file a complaint with the court pursuant to section 2151.27 of the Revised Code requesting temporary or permanent custody of the child. The complaint shall be accompanied by a case plan prepared in accordance with section 2151.412 of the Revised Code.

(3) Any public children services agency or private child placing agency that obtains, without court approval and solely for the purpose of obtaining the adoption of the child, temporary custody of a child who is under the age of six months pursuant to an agreement executed in accordance with this division may request the juvenile court in the county in which the child has a residence or legal settlement to grant a thirty day extension of the temporary custody agreement. Upon the filing of the request, the court shall determine whether the extension is in the best interest of the child and may extend the temporary custody agreement for a period of thirty days beyond the sixty day period for which the court approval is not required by this division. The agency requesting the extension shall file a case plan, prepared pursuant to section 2151.412 of the Revised Code, with the court at the same time that it files its request for an extension.

At the expiration of the thirty day extension, the agency shall either return the child to the parents, guardian, or other person having custody of the child or file a complaint with the court pursuant to section 2151.27 of the Revised Code requesting temporary or permanent custody of the child. The complaint shall be accompanied by a case plan prepared in accordance with

section 2151.412 of the Revised Code.

(B)(1) Subject to juvenile court approval, the following may enter into an agreement with a public children services agency or private child placing agency surrendering the child into the permanent custody of that agency:

(a) The parents, guardian, or other persons having custody of the child;

(b) The parents of a child who is in the temporary custody of a public children services agency or private child placing agency.

(2) An agency that enters into an agreement under division (B)(1) of this section may take and care for the child or place the child in a family home.

(3) A private child placing agency or public children services agency that seeks permanent custody of a child pursuant to division (B)(1) of this section shall file a request with the juvenile court of the county in which the child has a residence or legal settlement for approval of the agency's permanent surrender agreement with the parents, guardian, or other persons having custody of the child. Not later than fourteen business days after the request is filed, the juvenile court shall determine whether the permanent surrender agreement is in the best interest of the child. The court may approve the permanent surrender agreement if it determines that the agreement is in the best interest of the child and, in the case of an agreement between a parent and an agency, the requirements of section 5103.151 of the Revised Code are met. The agency requesting the approval of the permanent surrender agreement shall file with the court an original or amended case plan, prepared pursuant to

section 2151.412 of the Revised Code, at the same time that it files its request for the approval of the permanent surrender agreement.

(4) Notwithstanding division (B)(1) of this section, the parents of a child less than six months of age may enter into an agreement with a private child placing agency surrendering the child into the permanent custody of the agency without juvenile court approval if the agreement is executed solely for the purpose of obtaining the adoption of the child. The agency shall, not later than two business days after entering into the agreement, notify the juvenile court. The agency also shall notify the court not later than two business days after the agency places the child for adoption. The court shall journalize the notices it receives under division (B)(4) of this section.

(C) The agreements provided for in this section shall be in writing, on forms prescribed and furnished by the department of children and youth, and may contain any proper and legal stipulations for proper care of the child, and may authorize the public children services agency or private child placing agency when such agreements are for permanent care and custody to appear in any proceeding for the legal adoption of the child, and consent to the child's adoption, as provided in section 3107.06 of the Revised Code. If an agreement for permanent care and custody of a child is executed, social and medical histories shall be completed in relation to the child in accordance with section 3107.09 of the Revised Code. The adoption order of the probate court judge made upon the consent shall be binding upon the child and the child's parents, guardian, or other person, as if those persons were personally in court and consented to the order, whether made party to the proceeding or not.

(D) An agreement entered into under this section by a parent under age eighteen is as valid as an agreement entered into by a parent age eighteen or older.

Sec. 5103.155. As used in this section, "children with special needs" has the same meaning as in rules adopted under section 5153.163 of the Revised Code.

If the department of ~~job and family services~~ children and youth determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may ~~transfer~~ use surplus moneys in the fund to ~~the department of children and youth to~~ promote adoption of children with special needs.

Sec. 5103.18. (A)(1) Prior to certification as a foster home under section 5103.03 of the Revised Code, a recommending agency shall obtain a summary report of a search of the uniform statewide automated child welfare information system, established under section ~~5101.13~~ 5180.40 of the Revised Code, from an entity listed in section ~~5101.132~~ 5180.402 of the Revised Code.

(2) Whenever a prospective foster parent or any other person eighteen years of age or older who resides with a prospective foster parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the recommending agency shall request a check of the central registry of abuse and neglect of this state from the department of children and youth regarding the prospective foster parent or the person eighteen years of age or older who resides with the

prospective foster parent to enable the agency to check any child abuse and neglect registry maintained by that other state. The recommending agency shall make the request and shall review the results of the check before the prospective foster parent may be finally approved for placement of a child. Information received pursuant to such a request shall be considered for purposes of this chapter as if it were a summary report required under division (A) of this section. The department of children and youth shall comply with any request to check the central registry that is similar to the request described in this division and that is received from any other state.

(B)(1) The summary report required under division (A) of this section shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency has done one of the following:

(a) Determined that abuse or neglect occurred;

(b) Initiated an investigation, and the investigation is ongoing;

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.

(2) The summary report required under division (A) of this section shall not contain any of the following:

(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(b) Information or reports the dissemination of which is

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C)(1) A foster home certification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.30. The Ohio child welfare training program is hereby established in the department of children and youth as a statewide program. The program shall provide all of the following:

(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;

(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;

(C) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;

(D) The training that section 5153.122 of the Revised Code

requires a PCSA caseworker to complete;

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete;

(F) The training required under section ~~5101.1414~~ 5180.4211 of the Revised Code for a case manager and supervisor.

Sec. 5103.32. (A) As used in this section:

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980).

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) For purposes of adequately funding the Ohio child welfare training program, the department of children and youth may use any of the following:

(1) The federal financial participation funds withheld pursuant to division (E) of section ~~5101.141~~ 5180.42 of the Revised Code in an amount determined by the department;

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;

(3) Other available state or federal funds;

(4) Funds that a person, including a foundation, makes available for the program.

Sec. 5103.41. The department of ~~job and family services~~children and youth, in consultation with the Ohio child welfare training program steering committee, shall designate training regions in the state. The department ~~of children and~~

~~youth~~, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department ~~of children and youth~~ may change the composition of the training regions as the department considers necessary.

The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the Revised Code.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42

U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or approved by the department of children and youth, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

(L) "Child care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as

defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following apply:

(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this

chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth;

(11) Cooperation with the county department of job and

family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes.

(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.

(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Early learning and development program" has the same meaning as "licensed child care program."

(R) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp.

~~(R)~~ (S) "Employer" means a person, firm, institution, organization, or agency that operates a child care center, type A family child care home, licensed type B family child care home, or approved child day camp subject to licensure or approval under this chapter.

~~(S)~~ (T) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

~~(T)~~ (U) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

~~(U)~~ (V) "Home education" has the same meaning as in section 3321.042 of the Revised Code.

~~(V)~~ (W) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.

(3) At least one parent of any of the children

participating in the pod must be on the premises while the pod is meeting.

~~(W)~~ (X) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

~~(X)~~ (Y) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

~~(Y)~~ (Z) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child care center's, type A family child care home's, or licensed type B family child care home's compliance with licensing requirements.

~~(Z)~~ (AA) "Infant" means a child who is less than eighteen months of age.

~~(AA)~~ (BB) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home

pursuant to this chapter and any rules adopted under it.

~~(BB)~~ (CC) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child care centers, type A family child care homes, and licensed type B family child care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

~~(CC)~~ (DD) "License capacity" means the maximum number in each age category of children who may be cared for in a child care center, type A family child care home, or licensed type B family child care home at one time as determined by the director of children and youth considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

~~(DD)~~ (EE) "Licensed child care program" means any of the following:

(1) A child care center licensed by the department of children and youth pursuant to this chapter;

(2) A type A family child care home or type B family child care home licensed by the department of children and youth pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that

is licensed by the department of children and youth pursuant to sections 3301.52 to 3301.59 of the Revised Code.

~~(FF)~~ (GG) "Licensed type B family child care home" and "licensed type B home" mean a type B family child care home for which there is a valid license issued by the director of children and youth pursuant to section 5104.03 of the Revised Code.

~~(GG)~~ (HH) "Licensee" means the owner of a child care center, type A family child care home, or type B family child care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

~~(HH)~~ (II) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

~~(II)~~ (JJ) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

~~(JJ)~~ (KK) "Parent cooperative child care center," "parent cooperative center," "parent cooperative type A family child care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

~~(KK)~~ (LL) "Part-time child care center," "part-time center," "part-time type A family child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

~~(LL)~~ (MM) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

~~(MM)~~ (NN) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

~~(NN)~~ (OO) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

~~(SS)~~ (TT) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen

months of age but less than three years of age.

~~(WW)~~ (XX) "Type A family child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family child care home" and "type A home" do not include any child day camp.

~~(XX)~~ (YY) "Type B family child care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family child care home" and "type B home" do not include any child day camp.

Sec. 5104.12. (A)(1) A county director of job and family services may certify in-home aides to provide publicly funded child care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

(2) Every person desiring to receive certification as an

in-home aide shall apply for certification to a county director of job and family services on such forms as the director of children and youth prescribes. A county director shall provide at no charge to each applicant a copy of rules for certifying in-home aides adopted pursuant to this chapter.

(B) To be eligible for certification as an in-home aide, a person shall not be either of the following:

(1) The owner of a center or home whose license was revoked pursuant to section 5104.04 of the Revised Code within the previous five years;

(2) An in-home aide whose certificate was revoked under division (C)(2) of this section within the previous five years.

(C)(1) If the county director of job and family services determines that the applicant complies with this chapter and any rules adopted under it, the county director shall certify the person as an in-home aide and issue the person a certificate to provide publicly funded child care ~~for twenty-four months~~. The county director shall furnish a copy of the certificate to the parent, custodian, or guardian. The certificate shall state the name and address of the in-home aide~~, the expiration date of the certification,~~ and the name and telephone number of the county director who issued the certificate.

(2) The county director may revoke the certificate in either of the following circumstances:

(a) The county director determines, pursuant to rules adopted under Chapter 119. of the Revised Code, that revocation is necessary;

(b) The in-home aide does not comply with division (C)(2) of section 5104.32 of the Revised Code.

(D)(1) The county director of job and family services shall inspect every home of a child who is receiving publicly funded child care in the child's own home while the in-home aide is providing the services. Inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the in-home aide, shall investigate the home of a child who is receiving publicly funded child care in the child's own home, and division (D)(2) of this section applies regarding the complaint. The caretaker parent shall permit the county director to inspect any part of the child's home. The county director shall prepare a written inspection report and furnish one copy each to the in-home aide and the caretaker parent within a reasonable time after the inspection.

(2) Upon receipt of a complaint as described in division (D)(1) of this section, in addition to the investigations that are required under that division, both of the following apply:

(a) If the complaint alleges that a child suffered physical harm while receiving publicly funded child care in the child's own home from an in-home aide or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from

an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

Sec. 5104.29. (A) ~~As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.~~

~~(B)~~ There is hereby created in the department of children and youth the step up to quality program, under which the department of children and youth, in cooperation with the department of education and workforce, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

~~(C)~~ (B) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.

~~(D)~~ (C) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.

~~(E)~~ (D) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:

(1) Learning and development;

(2) Administration and leadership practices;

(3) Staff quality and professional development;

(4) Family and community partnerships.

The ratings developed under this section shall not take into consideration whether an administrator or employee of an early learning and development program holds or obtains a bachelor's, master's, or doctoral degree.

~~(F)~~ (E) The director of children and youth, in collaboration with the director of education and workforce, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.

Sec. 5104.30. (A) The department of children and youth is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under

section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of children and youth determines that the application is necessary. For purposes of this section, the department of children and youth may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of children and youth shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for

administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of children and youth may enter into

interagency agreements with the department of education and workforce, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of children and youth to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) ~~Reimbursement~~ Payment rates for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for ~~reimbursing and~~ paying providers of publicly funded child care.

(2) In establishing ~~reimbursement~~ payment rates under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained from the market rate survey or alternative methodology developed and conducted in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced ~~reimbursement~~ payment rate for providers who provide child care for caretaker parents who work nontraditional hours;

(c) With regard to the step up to quality program

established pursuant to section 5104.29 of the Revised Code, establish enhanced ~~reimbursement~~ payment rates for child care providers that participate in the program.

(3) In establishing ~~reimbursement~~ payment rates under division (E)(1)(a) of this section, the director may establish different ~~reimbursement~~ payment rates based on any of the following:

(a) Geographic location of the provider;

(b) Type of care provided;

(c) Age of the child served;

(d) Special needs of the child served;

(e) Whether the expanded hours of service are provided;

(f) Whether weekend service is provided;

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;

(h) Any other factors the director considers appropriate.

Sec. 5104.302. (A) In addition to establishing payment rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of children and youth shall contract with a third-party entity to analyze information regarding the prices charged for child care for the subsequent even-numbered year.

(B) Based on the information analyzed by the third-party entity, the director may adjust for the even-numbered year the payment rates established for the previous odd-numbered year. To make such an adjustment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code.

(C) When analyzing information regarding the prices charged for child care for an even-numbered year, a third-party entity under contract with the director may consider the most recent market rate survey or alternative methodology developed and conducted as described in division (E) of section 5104.30 of the Revised Code.

Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child care center, licensed type A family child care home, licensed type B family child care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of children and youth. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the ~~lower of the~~ rate

~~customarily charged by the provider for children enrolled for child care or the reimbursement rate of payment~~ established pursuant to section 5104.30 of the Revised Code;

(2) ~~That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;~~

~~(3)~~ Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

~~(4)~~ (3) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

~~(5)~~ (4) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is

located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

~~(6)~~ (5) Whether the provider will be paid by the department of children and youth or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

~~(7)~~ (6) That the contract is subject to the availability of state and federal funds.

(C)(1) The department shall establish an automated child care system to track attendance and calculate payments for publicly funded child care.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;

(b) Falsify attendance records;

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible;

(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home.

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates

that a provider of publicly funded child care failed to comply with either of the following:

(1) The terms of the contract entered into under this section;

(2) This chapter or any rules adopted under it.

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code.

Sec. 5104.34. (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of children and youth in accordance with section 5101.35 of the Revised Code. The due process rights of

applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county to collect information relevant to applications for publicly funded child care and to make eligibility determinations. The county department, child care provider, and child care resource and referral service organization shall make each determination of eligibility for publicly funded child care no later than thirty

days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child care of the results of the determination of the applicant's eligibility.

The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of job and family services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective action specified by the department.

(2)(a) All eligibility determinations for publicly funded child care shall be made in accordance with rules adopted pursuant to division (A) of section 5104.38 of the Revised Code. Except as otherwise provided in this section, all of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, school-age children under age thirteen, or children receiving special needs child care.

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(iii) The eligibility period for publicly funded child care shall be at least twelve months.

(b) ~~In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.~~

~~(c)~~ If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of at least three but not more than four months not to extend beyond the caretaker parent's eligibility period.

~~(d)~~ (c) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that eligibility period.

Subject to available funds, the department of children and youth shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless

the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the eligibility period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of children and youth may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall

make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of children and youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.37. (A) In addition to the duties described in division (D) of section 5104.30 of the Revised Code, the director of ~~job and family services~~ children and youth shall engage in activities to do the following:

(1) Encourage the establishment and licensure of family ~~day-care~~ child care homes in this state, especially in areas with the greatest need for child care;

(2) Connect families and caretaker parents in need of child care with family ~~day-care~~ child care homes not meeting the license capacity specified on their licenses, as described in division (E) of section 5104.03 of the Revised Code.

(B) The director may contract with one or more third-party entities to assist the director in performing the duties described in division (A) of this section.

(C) Not later than May 30, 2023, and periodically thereafter, the director shall submit to the general assembly a report documenting any barriers that may prevent the establishment or licensure of family ~~day-care~~ child care homes. The director shall submit the required report in accordance with section 101.68 of the Revised Code.

Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of children and youth ~~services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded

protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) ~~Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a child care provider may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code;~~

~~(C)~~ A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider.

~~(D)~~ (C) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes;

~~(E)~~ (D) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;

~~(F)~~ (E) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;

~~(G)~~ (F) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;

~~(H)~~ (G) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;

~~(I)~~ (H) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;

~~(J)~~ (I) A definition of "person who stands in loco parentis" for the purposes of division ~~(LL)(3)~~ (MM)(3) of section 5104.01 of the Revised Code;

~~(K)~~ (J) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

~~(L)~~ (K) If the director establishes a different ~~reimbursement~~ payment rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

~~(M)~~ (L) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in

employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

~~(N)~~ (M) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.39. (A) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures for publicly funded child care to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department of children and youth, with the assistance of the office of budget and management and the ~~child care~~ children and youth advisory council created pursuant to section ~~5104.08~~ 5180.04 of the Revised Code, shall monitor the anticipated future expenditures for publicly funded child care and shall compare those anticipated future expenditures to available federal and state funds for publicly funded child care. Whenever the department determines that the anticipated future expenditures for publicly funded child care will exceed the available federal and state funds, the department shall promptly notify the county departments of job and family services and, before the available state and federal funds are used, the director shall issue and implement an administrative order that shall specify both of the following:

(1) Priorities for expending the remaining available federal and state funds for publicly funded child care;

(2) Instructions and procedures to be used by the county departments regarding eligibility determinations.

(B) The order may do any or all of the following:

(1) Suspend enrollment of all new participants in any program of publicly funded child care;

(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;

(3) Disenroll existing participants with income above a specified percentage of the federal poverty line;

(4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;

(5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code.

(C) Each county department shall comply with the order no later than thirty days after it is issued.

(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.

(E) The department of children and youth shall do all of

the following:

(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code;

(2) Prepare reports based upon the evaluations that specify for each county the number of participants and amount of expenditures;

(3) Provide copies of the reports to both houses of the general assembly and, on request, to interested parties.

Sec. 5104.41. A child and the child's caretaker who are otherwise ineligible for publicly funded child care are eligible for homeless child care for ~~the lesser of the following:~~

~~(A) Not more than ninety days;~~

~~(B) The period of time they reside in a facility providing emergency shelter for homeless families or the period of time in which the county department determines they are homeless~~twelve months.

Sec. 5104.53. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(B) The early childhood education grant program is created in the department of children and youth. Subject to available funds, the program shall support and invest in early learning and development programs operating in this state by awarding grants to programs that meet the conditions of this section in

an amount that corresponds to the number of eligible children served by the programs.

(C) To be eligible for a grant under this section, an early learning and development program shall meet each of the following conditions:

(1) The program is rated through the step up to quality program established under section 5104.29 of the Revised Code at the tiered rating specified by the department in rules adopted under this section.

(2) The program provides early learning and development services to one or more preschool-age children described in division (D) of this section.

(3) The program meets any other eligibility condition specified by the department in rules adopted under this section.

(D) A preschool-age child who meets all of the following conditions, as determined by a county department of job and family services, is eligible to participate in the early childhood education grant program if a slot is available:

(1) Either the amount of the child's family income does not exceed two hundred per cent of the federal poverty line or the child meets one of the following conditions:

(a) An IEP has been developed for the child;

(b) The child is placed with a resource caregiver as described in Chapter 5103. of the Revised Code, with such placement documented by either a family case plan or kinship permanency incentive payments;

(c) The child is homeless as described in division (V) of section 5104.01 of the Revised Code.

(2) The child is a citizen of the United States or a qualified alien.

(3) The child meets any other eligibility condition specified by the department in rules adopted under this section.

(E) Any funds appropriated to the department for purposes of the early childhood education grant program shall be used as follows:

(1) In each fiscal year, not more than two per cent of appropriated funds shall be used for program support and technical assistance.

(2) Appropriated funds other than those described in division (E)(1) of this section shall be distributed to grant recipients.

(F) In accordance with Chapter 119. of the Revised Code, the director shall adopt rules to implement this section and administer the early childhood education grant program, including rules addressing all of the following topics:

(1) Eligibility conditions and other requirements for participation in the grant program by early learning and development programs, including the tiered rating at which a program becomes eligible to participate;

(2) Eligibility conditions for children participating in the early childhood education grant program if a slot is available;

(3) Standards, procedures, and requirements to apply for and distribute funds to participating early learning and development programs;

(4) In the event funds are distributed in error under the

program, methods by which the department may recover those funds.

Sec. 5104.60. (A) The director of children and youth shall contract with a third-party entity to develop a registry information system to provide, on an ongoing basis, training and professional development opportunities to the employees of early learning and development programs that receive funding under the child care block grant act. The registry information system shall be known as the Ohio professional registry.

(B) In developing the registry information system, the third-party entity shall comply with requirements set forth in the child care block grant act and 45 C.F.R. Part 98.

(C) In contracting with a third-party entity under this section, the director shall give primary consideration to the Ohio child care resource and referral association. If the director enters into a contract with the Ohio child care resource and referral association, the association may utilize the registry information system that the association established prior to the effective date of this section, but only if the director determines that the principal goals and mission of that system are consistent with the requirements described in division (B) of this section.

Sec. 5104.99. (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows:

(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child care center or type A family child care home that either exceeds the number of children to which a type B family ~~day-care~~

child care home may provide child care or, if the offender is a licensed type A family child care home that is operating as a child care center without being licensed as a center, exceeds the license capacity of the type A home.

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family child care home may provide child care or, if the offender is a licensed type A family child care home that is operating as a child care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child care center license or a type A family child care home license, as appropriate, under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child care center license or a type A family child care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed

the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child care center license or a type A family child care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a felony of the fifth degree under section 2929.18 of the Revised Code.

(B) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.

Sec. 5117.07. (A) On or before the first day of October, the director of development shall review all applications submitted under division (C) of section 5117.03 of the Revised Code and shall determine the eligibility of each applicant to receive a credit or payment. The total income and current total income amounts set forth in division (A) of this section are subject to adjustment under section 5117.071 of the Revised Code.

(1) An applicant is eligible for a credit of thirty per cent if the applicant is a head of household, has a total income of five thousand dollars or less or a current total income of two thousand five hundred dollars or less, owns and occupies or rents and occupies a household receiving the source of energy for its primary heating system from an energy company and such

energy is separately metered, and is either of the following:

(a) Sixty-five years of age or older;

(b) Permanently and totally disabled.

(2) An applicant is eligible for a credit of twenty-five per cent if the applicant is a head of household, has a total income of more than five thousand dollars but not more than nine thousand dollars or a current total income of more than two thousand five hundred dollars but not more than four thousand five hundred dollars, is sixty-five years of age or older or permanently and totally disabled, and owns and occupies or rents and occupies a household receiving the source of energy for its primary heating system from an energy company and such energy is separately metered.

(3) An applicant is eligible for a payment if either of the following applies to the applicant:

(a) The applicant would be eligible for the credit under division (A)(1) or (2) of this section but for the fact that the source of energy for the primary heating system of the applicant's household is not separately metered;

(b) The applicant is a head of household, has a total income of no more than nine thousand dollars or a current total income of no more than four thousand five hundred dollars, is sixty-five years of age or older or permanently and totally disabled, and owns and occupies or rents and occupies a household receiving the source of energy for its primary heating system from an energy dealer.

(4) In the case of a multiple unit dwelling for which separate metering for the source of energy for its primary heating system is not provided, more than one applicant

occupying such dwelling may be determined eligible for a payment under division (A)(3)(a) of this section.

(B) Notwithstanding division (A) of this section:

(1) No head of household who resides in public housing or receives a rent subsidy from a government agency is eligible for a credit or payment unless the person's rent subsidy does not reflect the costs of that person's household receiving the source of energy for its primary heating system;

(2) A resident of a nursing home, hospital, or other extended health care facility is not eligible for a credit or payment for the costs of providing the source of energy for the primary heating system of the facility.

(C) The director shall establish a procedure whereby the director ~~commissioner~~ can verify total income and current total income for the calendar year in which an applicant is determined eligible for a payment or credit. If a person receives a credit or payment that the person is ineligible to receive under division (A) of this section as determined by the director, that person shall refund to the director the credit or payment, or excess portion of a credit or payment, that person received. The sum refunded shall be deposited in the state treasury to the credit of the ~~universal service~~ electric partnership plan fund created in section 4928.51 of the Revised Code.

(D) The director may request an additional certification of permanent and total disability for any applicant claiming such status on an application renewal form submitted under section 5117.03 of the Revised Code. Such certification shall be requested from the person or agency named on the form pursuant to division (B)(1) of section 5117.03 of the Revised Code. If

such additional certification is refused due to a conclusion by the person or agency that the applicant is not permanently and totally disabled, the director shall determine the applicant ineligible for any credit or payment. If such additional certification is unavailable or refused for any other reason, the director may determine the applicant to be eligible for a credit or payment provided the director ~~commissioner~~ has good cause to believe the applicant is permanently and totally disabled.

(E) On or before the first day of October, the director shall notify each applicant of the disposition of the applicant's application under divisions (A) and (B) of this section. At the same time, the director ~~tax commissioner~~ shall notify the applicant, regardless of whether the applicant's application is approved or disapproved, that the applicant may be eligible to participate in a state or federal weatherization program and should contact the applicant's community action agency for further information. If an application is disapproved, the applicant may appeal to the director for a hearing on the matter. A notice of disapproval shall include a detailed explanation of the applicant's right of appeal under this chapter. Any such appeal shall be on an appeal form prescribed by the director and shall be filed with the director within twenty days of the receipt of the notice of disapproval.

Sec. 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes

physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of persons with alcohol use disorder or persons who abuse drugs of abuse and for the prevention of alcohol use disorder and drug addiction.

(4) "Alcohol use disorder" means a medical condition characterized by an individual's impaired ability to stop or control the individual's alcohol use despite adverse social, occupational, or health consequences. An alcohol use disorder may be classified as mild, moderate, or severe.

(5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.

(6) "Community addiction services provider" means an agency, association, corporation or other legal entity,

individual, or program that provides one or more of the following:

(a) Alcohol and drug addiction services that are certified by the director of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.36 of the Revised Code;

(b) Gambling addiction services;

(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of ~~mental~~ behavioral health ~~and addiction services~~ or a board of alcohol, drug addiction, and mental health services.

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:

(a) Mental health services that are certified by the director of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.36 of the Revised Code;

(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of ~~mental~~ behavioral health ~~and addiction services~~ or a board of alcohol, drug addiction, and mental health services.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(9) "Gambling addiction" means the use of gambling by an

individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under this chapter.

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use disorder, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services.

(19)(a) "Residence," except when referring to a recovery housing residence or the meaning of "residence" in section 5119.90 of the Revised Code, means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of ~~mental~~ behavioral health ~~and addiction services~~ for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.011. (A) Whenever the term ~~"department of mental health," the term "Ohio department of mental health," the term "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services"~~ "department of mental health and addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the department of ~~mental~~ behavioral health ~~and addiction services~~.

(B) Whenever the term ~~"director of mental health" or the term "director of alcohol and drug addiction services"~~ "director of mental health and addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed

to mean the director of ~~mental~~ behavioral health ~~and addiction services~~.

Sec. 5119.04. The department of ~~mental~~ behavioral health ~~and addiction services~~ and any institutions under its supervision or jurisdiction shall, where applicable, be in substantial compliance with standards set forth for psychiatric facilities by the joint commission or medical assistance standards under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or other applicable standards.

The requirements of this section are in addition to any other requirements established by the Revised Code and nothing in this section shall be construed to limit any rights, privileges, protections, or immunities which may exist under the constitution and laws of the United States or this state.

Sec. 5119.05. Subject to the rules of the director of ~~mental~~ behavioral health ~~and addiction services~~, each institution under the jurisdiction of the department shall be under the management and control of a managing officer to be known as a chief executive officer or by another appropriate title. Such managing officer shall be appointed by the director of ~~mental~~ behavioral health ~~and addiction services~~, and shall be in the unclassified service and serve at the pleasure of the director. Each managing officer shall be of good moral character and have skill, ability, and experience in the managing officer's profession.

The managing officer, under the director, shall serve as the appointing authority of the institution to which such managing officer is appointed. Subject to civil service rules, the managing officer shall have the power to appoint and remove

employees of the institution. On behalf of the institution, the managing officer has the authority and responsibility for entering into contracts and other agreements for the efficient operations of the institution.

Sec. 5119.051. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall keep in its office a proper and complete set of books and accounts with each institution, which shall clearly show the nature and amount of every expenditure authorized and made at such institution, and which shall contain an account of all appropriations made by the general assembly and of all other funds, together with the disposition of such funds.

The department shall prescribe the form of vouchers, records, and methods of keeping accounts at each of the institutions, which shall be as nearly uniform as possible. The department may examine the records of each institution at any time.

The department may authorize any of its bookkeepers, accountants, or employees to examine and check the records, accounts, and vouchers or take an inventory of the property of any institution, or do whatever is necessary, and pay the actual and reasonable expenses incurred in such service when an itemized account is filed and approved.

Sec. 5119.06. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall keep in its office, accessible only to its employees, except by the consent of the department or the order of the judge of a court of record, a record showing the name, residence, sex, age, nativity, occupation, condition, and date of entrance or commitment of every patient in the institutions governed by it, the date, cause, and terms of

discharge and the condition of such person at the time of leaving, and also a record of all transfers from one institution to another, and, if such person dies while in the care or custody of the department, the date and cause of death. These and such other facts as the department requires shall be furnished by the managing officer of each institution within twenty-four hours after the commitment, entrance, death, or discharge of a patient.

In case of an accident or injury or peculiar death of a patient the managing officer shall make a special report to the department within twenty-four hours thereafter, giving the circumstances as fully as possible.

Sec. 5119.07. A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of ~~mental~~ behavioral health ~~and addiction services~~ is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the

notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

Sec. 5119.08. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) Subject to division (C) of this section, upon the recommendation of the director of ~~mental~~ behavioral health ~~and addiction services~~, the managing officer of an institution under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ may designate one or more employees to be special police officers of the department. The special police officers shall take an oath of office, wear the badge of office, and give bond for the proper and faithful discharge of their duties in an amount that the director requires.

(2) In accordance with section 109.77 of the Revised Code, the special police officers shall be required to complete successfully a peace officer basic training program approved by the Ohio peace officer training commission and to be certified by the commission. The cost of the training shall be paid by the department of ~~mental~~ behavioral health ~~and addiction services~~.

(3) Special police officers, on the premises of institutions under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ and subject to the rules of the department, shall protect the property of the institutions and the persons and property of patients in the

institutions, suppress riots, disturbances, and breaches of the peace, and enforce the laws of the state and the rules of the department for the preservation of good order. They may arrest any person without a warrant and detain the person until a warrant can be obtained under the circumstances described in division (F) of section 2935.03 of the Revised Code.

(C)(1) The managing officer of an institution under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ shall not designate an employee as a special police officer of the department pursuant to division (B)(1) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The managing officer of an institution under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ shall terminate the employment as a special police officer of the department of an employee designated as a special police officer under division (B)(1) of this section if that employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to that employee under section 109.77 of the Revised Code.

(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B)(1) of

this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the managing officer shall reinstate that special police officer. A special police officer of the department who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that special police officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the special police officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a special police officer under division (C)(2) of this section shall be in accordance with applicable collective bargaining agreements.

Sec. 5119.091. The attorney general shall attend to all claims instituted on behalf of or against the department of ~~mental~~ behavioral health ~~and addiction services~~ or any institution under the jurisdiction of the department and the managing officer thereof, except such institutions as are privately owned or operated under a license from the department of ~~mental~~ behavioral health ~~and addiction services~~, and shall

represent the public hospital in proceedings under section 5122.15 of the Revised Code. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall reimburse the attorney general for the compensation of assistant attorneys general required to represent the public hospital in proceedings under section 5122.15 of the Revised ~~code~~Code and shall also pay the costs of litigation incurred by the attorney general under that section.

If a writ of habeas corpus is applied for, the clerk of the court shall give notice of the time and place of hearing to the attorney general.

Sec. 5119.10. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~ is the chief executive and appointing authority of the department of ~~mental~~ behavioral health ~~and addiction services~~. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community addiction and mental health plans, and certification and delivery of addiction services and mental health services.

(B) The director shall:

(1) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under its control, and require the performance of additional duties by the officers of the institutions as necessary to fully meet the requirements, intents, and purposes of this chapter. In case of an apparent conflict between the powers conferred upon any managing officer and those conferred by such sections upon the department, the presumption shall be conclusive in favor of the department.

(2) Adopt rules for the nonpartisan management of the institutions under the department's control. An officer or employee of the department or any officer or employee of any institution under its control who, by solicitation or otherwise, exerts influence directly or indirectly to induce any other officer or employee of the department or any of its institutions to adopt the exerting officer's or employee's political views or to favor any particular person, issue, or candidate for office shall be removed from the exerting officer's or employee's office or position, by the department in case of an officer or employee, and by the governor in case of the director.

(3) Appoint such employees, including the medical director, as are necessary for the efficient conduct of the department, and prescribe their titles and duties;

(4) Prescribe the forms of affidavits, applications, medical certificates, orders of hospitalization and release, and all other forms, reports, and records that are required in the hospitalization or admission and release of all persons to the institutions under the control of the department, or are otherwise required under this chapter or Chapter 5122. of the

Revised Code;

(5) Exercise the powers and perform the duties relating to addiction and mental health facilities, addiction services, mental health services, 9-8-8 suicide and crisis response, and recovery supports that are assigned to the director under this chapter and Chapter 340. of the Revised Code;

(6) Develop and implement clinical evaluation and monitoring of services that are operated by the department;

(7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;

(8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out its duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code. Chapter 125. of the Revised Code does not apply to contracts the director enters into under this section for addiction services, mental health services, or recovery supports provided to individuals who have an addiction or mental illness by providers, agencies, institutions, and other entities not owned or operated by the department.

(9) Adopt rules in accordance with Chapter 119. of the Revised Code specifying the supplemental services that may be

provided through a trust authorized by section 5815.28 of the Revised Code;

(10) Adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the maintenance and distribution to a beneficiary of assets of a trust authorized by section 5815.28 of the Revised Code.

(C) The director may contract with hospitals licensed by the department under section 5119.33 of the Revised Code for the care and treatment of patients with mental illnesses, or with persons, organizations, or agencies for the custody, evaluation, supervision, care, or treatment of persons with mental illnesses receiving services elsewhere than within the enclosure of a hospital operated under section 5119.14 of the Revised Code.

Sec. 5119.11. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall appoint a medical director who is eligible or certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry, and has at least five years of clinical and two years of administrative experience. The medical director shall also have certification or substantial training and experience in the field of addiction medicine or addiction psychiatry. The medical director shall be responsible for decisions relating to medical diagnosis, treatment, prevention, rehabilitation, quality assurance, and the clinical aspects of addiction services and mental health services involving all of the following:

(1) Licensure of hospitals, residential facilities, and outpatient facilities;

(2) Research;

(3) Community addiction and mental health plans;

(4) Certification and delivery of addiction and mental health services.

(B) The medical director shall also exercise clinical supervision of the chief clinical officers of hospitals and institutions under the jurisdiction of the department and shall review and approve decisions relating to the employment of the chief clinical officers. The medical director or the medical director's designee shall advise the director on matters relating to licensure, research, the certification and delivery of addiction services and mental health services, and community addiction and mental health plans. The medical director shall participate in the development of guidelines for community addiction and mental health plans. The director of ~~mental~~ behavioral health ~~and addiction services~~ may establish other duties of the medical director.

Sec. 5119.14. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall maintain, operate, manage, and govern state institutions and other services for the care and treatment of persons with mental illnesses.

(B)(1) The department of ~~mental~~ behavioral health ~~and addiction services~~ may, with the approval of the governor, designate the name and purpose of any institutions under its jurisdiction and may change, with the approval of the governor, the designation and name when necessary.

(2) The department shall divide the state into districts for the purpose of designating the institution in which persons with mental illnesses are hospitalized and may change the districts.

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 5122. of the Revised Code and on the agreement of the ~~departments~~ department of ~~mental~~ behavioral health ~~and addiction services~~ and department of youth services, the department of ~~mental~~ behavioral health ~~and addiction services~~ may receive from the department of youth services for psychiatric observation, diagnosis, or treatment any person eighteen years of age or older in the custody of the department of youth services. The departments may enter into a written agreement specifying the procedures necessary to implement this division.

~~(C)~~ (D) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall designate hospitals, facilities, and community mental health services providers for the custody, care, and special treatment of, and authorize payment for such custody, care, and special treatment provided to, persons who are charged with a crime and who are found incompetent to stand trial or not guilty by reason of insanity.

~~(D)~~ (E) The department of ~~mental~~ behavioral health ~~and addiction services~~ may do any of the following:

(1) Require reports from the managing officer of any institution under the department's jurisdiction, relating to the admission, examination, comprehensive evaluation, diagnosis, release, or discharge of any patient;

(2) Visit each institution regularly to review its operations and to investigate complaints made by any patient or by any person on behalf of a patient, provided these duties may be performed by a person designated by the director.

~~(E)~~ (F) The department of ~~mental~~ behavioral health ~~and addiction services~~ may provide or contract to provide addiction

services for offenders incarcerated in the state prison system.

~~(F)~~ (G) In addition to the powers expressly conferred on the department of behavioral health, the department ~~of mental health and addiction services~~ shall have all other powers and authority necessary for the full and efficient exercise of the executive, administrative, and fiscal supervision over the state institutions described in this section.

Sec. 5119.141. ~~The~~ In addition to the powers and duties expressly conferred on the department of behavioral health, the department ~~of mental health and addiction services has all the authority~~ may take any other action it considers necessary to carry out ~~its powers and duties under~~ the purposes of this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code~~, including~~ . Actions authorized by this section include the authority to adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code.

Sec. 5119.15. The department of ~~mental~~ behavioral health ~~and addiction services~~ may make such investigations as are necessary in the performance of its duties and to that end the director of ~~mental~~ behavioral health ~~and addiction services~~ shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.

The department shall keep a record of such investigations stating the time, place, charges or subject, witnesses summoned and examined, and its conclusions.

In matters involving the conduct of an officer, a

stenographic report of the evidence shall be taken and a copy of such report, with all documents introduced, kept on file at the office of the department.

The fees of witnesses for attendance and travel shall be the same as in the court of common pleas, but no officer or employee of the institution under investigation is entitled to such fees.

Any judge of the probate court or of the court of common pleas, upon application of the department, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the department, by a judgment for contempt or otherwise, in the same manner as in cases before such courts.

The department of ~~mental~~ behavioral health ~~and addiction services~~ may appoint and commission any competent agency or person, to serve without compensation, as a special agent, investigator, or representative to perform a designated duty for the department. Specific credentials shall be given by the department to each person so designated. Each credential shall state the:

(A) Name of the agent, investigator, or representative;

(B) Agency with which such person is connected;

(C) Purpose of appointment;

(D) Date of expiration of appointment;

(E) Such information as the department considers proper.

Sec. 5119.161. The department of ~~mental~~ behavioral health ~~and addiction services~~, in conjunction with the department of job and family services, shall develop a joint state plan to

improve the accessibility and timeliness of alcohol and drug addiction services for individuals identified by a public children services agency as in need of those services. The plan shall address the fact that Ohio works first participants may be among the persons receiving services under section 340.15 of the Revised Code and shall require the department of job and family services to seek federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are receiving services under section 340.15 of the Revised Code.

The departments shall review and amend the plan as necessary.

Sec. 5119.17. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~, in accordance with division (B) of this section, shall give priority to developing, and promptly shall develop, with available public and private resources a program that does all of the following:

(1) Provides a manner of identifying the aggregate number of pregnant women in this state who are addicted to a drug of abuse;

(2) Provides for an effective means of intervention to eliminate the addiction of pregnant women to drugs of abuse prior to the birth of their children;

(3) Gives priority to the treatment of pregnant women addicted to drugs of abuse, including by requiring community addiction services providers that receive public funds to give priority to pregnant women referred for treatment;

(4) Provides for the continued monitoring of women who

were addicted to a drug of abuse during their pregnancies, after the birth of their children, and for the availability of treatment and rehabilitation for those women;

(5) Provides a manner of determining the aggregate number of children who are born in this state to women who are addicted, at the time of birth, to a drug of abuse, and of children who are born in this state with an addiction to or a dependency on a drug of abuse;

(6) Provides for the continued monitoring of children who are born in this state to women who are addicted, at the time of birth, to a drug of abuse, or who are born in this state with an addiction to or dependency on a drug of abuse, after their birth;

(7) Provides for the treatment and rehabilitation of any child who is born to a woman who is addicted, at the time of birth, to a drug of abuse, and of any child who is born with an addiction to or dependency on a drug of abuse.

(B) In developing the program described in division (A) of this section, the department may obtain information from the department of health and the department of job and family services, and those departments shall cooperate with the department of ~~mental~~ behavioral health ~~and addiction services~~ in its development and implementation of the program.

(C) Immediately upon its development of the program described in division (A) of this section, the department shall implement the program.

(D) Any record or information that is obtained or maintained by the department in connection with the program described in division (A) of this section and could enable the

identification of any woman or child described in division (A)(1) or (5) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

(E) A community addiction services provider that receives public funds shall not refuse to treat a person solely because the person is pregnant if appropriate treatment is offered by the provider.

Sec. 5119.18. An appointing authority may appoint a person who holds a certified or permanent position in the classified service within the department of ~~mental~~ behavioral health ~~and addiction services~~ to a position in the unclassified service within the department. A person appointed pursuant to this section to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, pursuant to division (D) of section 124.11 of the Revised Code.

A person who holds a position in the classified service and who is appointed to a position in the unclassified service on or after January 1, 2016, shall have the right to resume a position in the classified service under this section only within five years after the effective date of the person's appointment in the unclassified service.

Sec. 5119.181. (A) No appointing officer shall appoint a person to fill a position in either the classified or unclassified service of the department of ~~mental~~ behavioral health ~~and addiction services~~ if the person has been convicted of or pleaded guilty to a violation of the following:

(1) Any felony contained in the Revised Code, if the

felony bears a direct and substantial relationship to the position being filled;

(2) Any crime contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on subsequent offenses, if the crime bears a direct and substantial relationship to the position being filled;

(3) An existing or former law of this state, any other state, or the United States, if the law violated is substantially equivalent to any of the offenses described in division (A)(1) or (2) of this section.

(B) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall adopt rules, in accordance with Chapter 119. of the Revised Code, to implement this section.

(C) The director or an appointing officer shall request the bureau of criminal identification and investigation created by section 109.51 of the Revised Code or, at the director's or appointing officer's discretion, any other state or federal agency, to supply the director or appointing officer with a written report regarding the criminal records of any applicant. For each investigation undertaken at the department's request under this section, the department shall pay a reasonable fee to the bureau or other state or federal agency conducting the investigation. The amount of the fee shall be determined by the bureau or other state or federal agency conducting the investigation and shall be sufficient to cover the costs of conducting the investigation. The report made by the bureau or other state or federal agency is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, except the applicant, the director, the appointing officer or the appointing officer's

designees, or any hearing officer involved in a case denying employment.

(D) As used in this section, "applicant" means a person who is under final consideration for appointment to a position in the classified or unclassified service of the department of ~~mental~~ behavioral health ~~and addiction services~~.

Sec. 5119.182. The department of ~~mental~~ behavioral health ~~and addiction services~~ may require any of its employees and each officer and employee of every institution under its control who may be charged with custody or control of any money or property belonging to the state or who is required to give bond, to give a surety company bond, properly conditioned, in a sum to be fixed by the department which when approved by the department, shall be filed in the office of the secretary of state. The cost of such bonds, when approved by the department, shall be paid from funds available for the department. The bonds required or authorized by this section may, in the discretion of the director of ~~mental~~ behavioral health ~~and addiction services~~, be individual, schedule, or blanket bonds.

Sec. 5119.184. The department of ~~mental~~ behavioral health ~~and addiction services~~ may provide educational grants or tuition reimbursements to upgrade the education, training, and professional achievement of its employees, whenever it determines that provision of such grants or reimbursements is essential to the achievement of its goals. The department may enter into agreements with its employees for the purposes of this section. The agreements may require, as a condition of each grant or reimbursement, that the employee continue employment with the department or with another federal, state, or local public agency designated by the department for a period of time

stated in the agreement. If an employee does not fulfill the employment requirement stated in the agreement, the department may take action to recover the amount of all educational grants or tuition reimbursements paid to the employee under this section, plus interest at the rate of ten per cent per year calculated from the date of payment of each grant or reimbursement.

Sec. 5119.185. (A) As used in this section:

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of ~~mental~~ behavioral health ~~and addiction services~~ may establish a clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a clinician who agrees to provide services to inpatients and outpatients of institutions under the department's administration. To be eligible to participate in the program, a clinician must have attended the following:

(1) In the case of a physician, a school that was, at the time of attendance, a medical school or osteopathic medical school in this country accredited by the ~~liason~~ liaison committee on medical education or the American osteopathic association, or a medical school or osteopathic medical school located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction;

(2) In the case of a physician assistant, a school that was, at the time of attendance, accredited by the accreditation review commission on education for the physician assistant or a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation;

(3) In the case of an advanced practice registered nurse, a school that was, at the time of attendance, accredited by a national or regional accrediting organization.

(C) The department shall enter into a contract with each clinician it recruits under this section. Each contract shall include at least the following terms:

(1) The clinician agrees to provide a specified scope of health care services for a specified number of hours per week and a specified number of years to patients of one or more specified institutions administered by the department.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the clinician for the following expenses if the clinician meets the service obligation agreed to and the expenses were incurred while the clinician was enrolled in, for up to a maximum of four years, a school that qualifies

the clinician to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The clinician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the clinician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the clinician's service obligation that remains uncompleted as determined by the department.

(4) Other terms agreed upon by the parties.

(D) If the department elects to implement the clinician recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which clinicians will be recruited;

(2) Criteria for selecting clinicians for participation in the program;

(3) Criteria for determining the portion of a clinician's loan that the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by clinicians with the terms of their contracts;

(6) Any other criteria or procedures necessary to implement the program.

Sec. 5119.186. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~ or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving addiction or mental health services.

(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered appropriate by the director of ~~mental~~ behavioral health ~~and addiction services~~. Any such program shall be approved or accredited by its respective professional organization or state board having jurisdiction over the profession.

(1) The department shall require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:

(a) Establishment of inter-disciplinary committees to

advise persons responsible for training programs. Each committee shall have representation drawn from the geographical community the institution of higher education or hospital serves and shall include representatives of agencies, boards, targeted populations as determined by the department, racial and ethnic minority groups, and publicly funded programs;

(b) Funding procedures;

(c) Specific outcomes and accomplishments that are expected or required of a program under such agreement;

(d) The types of services to be provided under such agreement.

(2) The department may require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:

(a) Special arrangements for individual residents or trainees to encourage their employment in publicly funded settings upon completion of their training;

(b) Procedures for the selection of residents or trainees to promote the admission, retention, and graduation of women, minorities, and disabled persons;

(c) Cross-cultural training and other subjects considered necessary to enhance training efforts and the care and treatment of patients and clients;

(d) Funding of faculty positions oriented toward meeting the needs of publicly funded programs.

Subject to appropriations by the general assembly, the director of ~~mental~~ behavioral health ~~and addiction services~~ has

final approval of the funding of these collaborative training efforts.

Sec. 5119.187. The courses of study for the instruction and training of all persons in institutions under the control of the department of ~~mental~~ behavioral health ~~and addiction services~~ shall be subject to the approval of the superintendent of public instruction.

All teachers employed in institutions under the control of the department of ~~mental~~ behavioral health ~~and addiction services~~ shall possess such educator licenses or have such qualifications and approval as the superintendent of public instruction, after consulting with the officers in charge of the institutions, prescribes for the various types of service in the institutions.

Sec. 5119.188. (A) As used in this section, "state correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(B) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall develop a program that is designed to educate and train the employees of each state correctional institution, the employees of each department of youth services institution, and other persons associated by contract or otherwise with each state correctional institution or each department of youth services institution, who will be responsible for the conduct of, or otherwise providing treatment or rehabilitation services pursuant to, a substance abuse treatment or rehabilitation program offered in the institution to adult prisoners or juvenile offenders. Upon the development of the educational and training program, the department of ~~mental~~ behavioral health ~~and addiction services~~ promptly shall

commence its implementation. The department of ~~mental~~ behavioral health ~~and addiction services~~ may charge to the department of rehabilitation and correction and to the department of youth services a reasonable annual fee that reflects the expenses incurred by it during the immediately preceding calendar year in preparing and offering the educational and training program during that year to the respective employees and other associated persons described in this division.

The director of rehabilitation and correction and the director of youth services shall require the respective employees and other associated persons described in this division to attend and successfully complete the educational and training program developed pursuant to this division as a condition of their continuing to have responsibility for the conduct of, or their continuing to provide treatment or rehabilitation services pursuant to, any treatment or rehabilitation program that is offered in a state correctional institution or in a department of youth services institution to adult prisoners or juvenile offenders. If the department of ~~mental~~ behavioral health ~~and addiction services~~ charges a reasonable annual fee as described in this division, the director involved shall cause that fee to be paid from any available funds of the department of rehabilitation and correction or any available funds of the department of youth services.

(C) The department of rehabilitation and correction and the department of ~~mental~~ behavioral health ~~and addiction services~~ jointly shall develop program specifications for the alcohol and drug addiction treatment programs offered in state correctional institutions.

Sec. 5119.19. (A) As used in this section:

(1) "Community-based correctional facility" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Drug used in medication-assisted treatment" means a drug approved by the United States food and drug administration for use in medication-assisted treatment, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in medication-assisted treatment" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist.

(3) "Drug used in withdrawal management or detoxification" means a drug approved by the United States food and drug administration for use in, or a drug in standard use for, mitigating opioid or alcohol withdrawal symptoms or assisting with detoxification, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in withdrawal management or detoxification" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist;

(d) An alpha-2 adrenergic agonist.

(4) "Medication-assisted treatment" has the same meaning

as in section 340.01 of the Revised Code.

(5) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

(6)(a) "Psychotropic drug" means, except as provided in division (A)(6)(b) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following:

(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form;

(ii) Antidepressant medications;

(iii) Anti-anxiety medications;

(iv) Mood stabilizing medications.

(b) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder.

(7) "Withdrawal management or detoxification" means a set of medical interventions aimed at managing the acute physical symptoms of intoxication and withdrawal. Withdrawal management seeks to minimize the physical harm caused by the intoxication and withdrawal from a substance of abuse. Detoxification denotes a clearing of toxins from the body of the patient who is acutely intoxicated, dependent on a substance of abuse, or both.

(B) There is hereby created a program to be known as the behavioral health drug reimbursement ~~program. The~~ program, which shall be administered by the department of ~~mental~~ behavioral health ~~and addiction services~~.

The purpose of the program is to provide state

~~reimbursement~~ financial assistance to counties for the cost of the following drugs that are administered or dispensed to inmates of county jails in this state and individuals confined in community-based correctional facilities in this state: psychotropic drugs, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification.

Each county shall ensure that inmates of county jails and individuals confined in community-based correctional facilities have access to all behavioral health drugs specified in this division that are prescribed drugs covered by the fee-for-service component of the medicaid program.

(C) The department, based on factors it considers appropriate, shall allocate an amount to each county for ~~reimbursement of~~ drug costs that have been or will be incurred by the county pursuant to this section.

(D) The director of ~~mental~~ behavioral health ~~and addiction services~~ may adopt rules as necessary to implement this section. The rules, if adopted, shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5119.20. (A) As used in this section:

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology and biometric data.

"First responder" has the meaning defined in section 2903.01 of the Revised Code.

"Law enforcement officer" has the meaning defined in section 9.69 of the Revised Code.

(B) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall establish a program to make electroencephalogram (EEG) combined transcranial magnetic stimulation available for veterans, first responders, and law enforcement officers. Eligible individuals must have substance use disorders, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other issues identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program. The program shall be operated in conjunction with a supplier selected under this section.

(C) The director shall choose a location for the program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the program. Each branch site may operate one or more portable units or EEG combined neuromodulation portable units if the director determines that portable units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create and conduct a clinical trial, to establish and operate a clinical practice, to evaluate outcomes of the clinical trial and the clinical practice, to expend payments received from the state as needed for purposes of the program, and to report quarterly regarding the program to the president of the senate and to the standing committee of the senate that generally considers legislation regarding veterans affairs.

(D) There is the electroencephalogram (EEG) combined transcranial magnetic stimulation fund in the state treasury. It shall consist of moneys appropriated to it by the general assembly. The director, with the approval of the controlling

board, may authorize a disbursement from the fund for services rendered under the contract.

(E) The director shall adopt rules under Chapter 119. of the Revised Code as necessary to administer this section.

(F) The supplier, in conducting the clinical trial and in operating the clinical practice, shall adhere to all of the following:

(1) The United States food and drug administration regulations governing the conduct of clinical practice and clinical trials;

(2) A peer-to-peer support network shall be made available by the supplier to any individual receiving treatment under the program.

(3) The program protocol shall use adapted stimulation frequency and intensity modulation based on EEG and motor threshold testing as well as clinical symptoms and signs, and biometrics.

(4) Each individual who receives treatment under the program also shall receive neurophysiological monitoring, monitoring for symptoms of substance use and mental health disorders, and access to counseling and wellness programming. Each individual also shall participate in the peer-to-peer support network established by the supplier.

(5) Clinical protocols and outcomes of the clinical trial, and of any treatment provided by the clinical practice, shall be collected and reported quarterly in a report provided by the supplier to the director of ~~mental~~ behavioral health ~~and addiction services~~ and to the United States food and drug administration.

(6) Any individual who receives treatment at the clinical practice shall be eligible for a minimum of two electroencephalograms, plus an additional electroencephalogram for every ten treatments, during the course of the individual's treatment.

(7) The report required by this section shall include a thorough accounting of the use and expenditure of all funds received from the state under this section.

(G) Contracts entered into under this section are subject to section 9.231 and Chapter 125. of the Revised Code.

(H) Operation of the program established under this section is contingent upon an appropriation by the general assembly designated for that purpose.

Sec. 5119.201. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~ may acquire by purchase, lease, or otherwise such real and personal property rights in the name of the state as are necessary for the purposes of the department.

(B) When it is necessary for a state institution under the jurisdiction of the department to acquire any real estate, right-of-way, or easement in real estate in order to accomplish the purposes for which it was organized or is being conducted, and the department is unable to agree with the owner of such property upon the price to be paid for the property, such property may be appropriated in the manner provided for the appropriation of property for other state purposes.

(C) The director may work with the department of administrative services to sell, lease, or exchange portions of real and personal property of the department when the sale, lease, or exchange is advantageous to the state. Money received

from such sales, leases, or exchanges shall be credited to the ~~the~~ department of ~~mental~~ behavioral health ~~and addiction services~~ trust fund, created in section 5119.46 of the Revised Code.

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

Sec. 5119.21. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall:

(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental health services, support the community-based continuum of care that the boards are required by section 340.032 of the Revised Code to establish. The department shall provide the support on a district or multi-district basis. The department shall assist in identifying resources, and may prioritize support, for one or more of the elements of the community-based continuum of care. For the purpose of division (A)(10) of section 340.032 of the Revised Code and to the extent the department determines is necessary, the department shall define additional elements to be included in the community-based continuum of care.

(2) Provide training, consultation, and technical assistance regarding addiction services, mental health services, recovery supports, and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally competent, to employees of the department, community addiction services providers, community mental health services providers, and boards of alcohol, drug addiction, and mental

health services;

(3) To the extent the department has available resources, promote and support a full range of addiction services, mental health services, and recovery supports that are available and accessible to all residents of this state, especially for severely emotionally disturbed children and adolescents, adults with severe mental disabilities, pregnant women, parents, guardians or custodians of children at risk of abuse or neglect, and other special target populations, including racial and ethnic minorities, as determined by the department;

(4) Develop standards and measures for both of the following:

(a) Evaluating the effectiveness of addiction services, including opioid treatment programs, of mental health services, and of recovery supports;

(b) Increasing the accountability of community addiction services providers and community mental health services providers.

(5) Design and set criteria for the determination of priority populations;

(6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration, concerning all of the following:

(a) The causes and prevention of mental illness and addiction;

(b) Methods of providing effective addiction services, mental health services, and recovery supports;

(c) Means of enhancing the mental health of and recovery

from addiction of all residents of this state.

(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for individuals with addiction and mental health needs, including members of racial and ethnic minorities;

(8) Establish a program to protect and promote the rights of persons receiving addiction services, mental health services, and recovery supports, including the issuance of guidelines on informed consent and other rights;

(9) Promote the involvement of persons who are receiving or have received addiction services, mental health services, and recovery supports including families and other persons having a close relationship to a person receiving those services and supports, in the planning, evaluation, delivery, and operation of addiction services, mental health services, and recovery supports;

(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of ~~mental~~ behavioral health ~~and addiction services~~. These constituencies shall include consumers of addiction services, mental health services, and recovery supports and the families of such consumers. These constituencies may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the

Revised Code that establish procedures for the notification and consultation required by this division.

(11) Provide consultation to the department of rehabilitation and correction concerning the delivery of addiction services and mental health services in state correctional institutions;

(12) Promote and coordinate efforts in the provision of addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; community addiction services providers; law enforcement agencies; and related groups;

(13) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(14) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;

(15) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio

Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide addiction services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research.

(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(C) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the requirements of this chapter.

Sec. 5119.211. The department of behavioral health may establish a process and standards for the state certification of certified community behavioral health clinics. The process and standards may be based on the provisions of section 223 of the "Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a note.

If the department establishes a process and standards for the state certification of certified community behavioral health clinics, the department may coordinate with local, state, and federal government entities for the development and establishment of the clinics.

The director of behavioral health may adopt rules as the director considers necessary to implement this section. If the director adopts rules, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5119.22. The director of ~~mental~~ behavioral health ~~and addiction services~~, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.

(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities and plans of the department of ~~mental~~ behavioral health ~~and addiction services~~, including the needs of residents of the district currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish criteria by which each board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of the facility services, addiction services, mental health services, and

recovery supports for which it contracts under section 340.036 of the Revised Code. The criteria shall include requirements ensuring appropriate utilization of the services and supports. The department shall assess each board's evaluation of the services and supports and the compliance of each board with this section, Chapter 340. of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of the facility services, addiction services, mental health services, and recovery supports for which each board contracts under section 340.036 of the Revised Code and the facilities, addiction services, and mental health services that each board operates or provides under section 340.037 of the Revised Code. The department shall collect information that is necessary to perform these functions.

(E) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers, develop and operate, or contract for the operation of, a community behavioral health information system or systems. The department shall specify the information that must be provided by the boards and providers for inclusion in the system or systems.

Boards of alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers shall submit information requested by the department in the form and manner and in accordance with time frames prescribed by the department. Information collected by the department may include all of the following:

(1) Information on addiction services, mental health services, and recovery supports provided;

(2) Financial information regarding expenditures of federal, state, or local funds;

(3) Information about persons served.

The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.

(F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following:

(1) Guidelines, including a timetable, for the boards' development and submission of proposed community addiction and mental health plans, budgets, and lists of addiction services, mental health services, and recovery supports under sections 340.03 and 340.08 of the Revised Code;

(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists;

(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists;

(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the

plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval;

(5) Procedures for issuing time-limited waivers under section 5119.221 of the Revised Code.

(G) Review each board's proposed community addiction and mental health plan, budget, and list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the list in whole or in part. The director shall disapprove a board's proposed budget in whole or in part if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code, including, except as otherwise authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction.

Prior to a final decision to disapprove a plan, budget, or list in whole or in part, a representative of the director shall meet with the board and discuss the reason for the action the director proposes to take and any corrective action that should be taken to make the plan, budget, or list acceptable to the director. In addition, the director shall offer technical assistance to the board to assist it to make the plan, budget, or list acceptable. The director shall give the board a reasonable time in which to revise the plan, budget, or list. The board thereafter shall submit a revised plan, budget, or list or a new plan, budget, or list.

(H) Approve or disapprove all or part of proposed

amendments that a board of alcohol, drug addiction, or mental health services submits under section 340.03 or 340.08 of the Revised Code to an approved community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports.

If the director disapproves of all or part of any proposed amendment, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the proposed amendment may be approved. The director shall give the board a reasonable time within which to meet the criteria and shall offer technical assistance to the board to help it meet the criteria.

Sec. 5119.221. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~, in accordance with procedures established under division (F)(5) of section 5119.22 of the Revised Code, may issue to a board of alcohol, drug addiction, and mental health services a time-limited waiver of the requirement of section 340.033 of the Revised Code that ambulatory detoxification and medication-assisted treatment be made available within the borders of the board's service district if the director determines that both of the following apply:

(1) The board seeking the waiver has made reasonable efforts to make ambulatory detoxification and medication-assisted treatment available within the borders of the board's service district;

(2) Ambulatory detoxification and medication-assisted treatment can be made available through one or more contracts between the board seeking the waiver and community addiction

services providers that are located not more than thirty miles beyond the borders of the board's service district.

(B) Each waiver issued under this section shall specify the amount of time for which it is in effect and whether it applies to ambulatory detoxification, medication-assisted treatment, or both.

Sec. 5119.23. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall establish a methodology for allocating to boards of alcohol, drug addiction, and mental health services the funds appropriated by the general assembly to the department for the purpose of the community-based continuum of care that each board establishes under section 340.032 of the Revised Code. The department shall establish the methodology after notifying and consulting with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code. The methodology may provide for the funds to be allocated to boards on a district or multi-district basis.

(B) Subject to section 5119.25 of the Revised Code, and to required submissions and approvals under sections 340.08 and 5119.22 of the Revised Code, the department shall allocate the funds to the boards in a manner consistent with the methodology, this section, other state and federal laws, rules, and regulations.

(C) In consultation with boards, community addiction services providers, community mental health services providers, and persons receiving addiction services, mental health services, and recovery supports, the department shall establish guidelines for the use of funds allocated under this section.

Sec. 5119.24. (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement;

(2) Utilization review;

(3) Resource development;

(4) Fiscal administration;

(5) General administration;

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental~~ behavioral health ~~and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall establish the date by which the report must be submitted each year.

Sec. 5119.25. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental~~ behavioral health ~~and addiction services~~;

(2) The board denies available service on the basis of

race, color, religion, ancestry, military status, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(B) The director shall withhold funds, in whole or in part, that otherwise are to be allocated to a board under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The director, under division (G) of section 5119.22 of the Revised Code, disapproves all or part of the board's proposed community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports;

(2) The board's use of state and federal funds fails to comply with the board's approved budget, including approved amendments to the budget.

(C) The director shall issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director may offer technical assistance to the board to achieve compliance. The board shall have thirty days from receipt of the notice of noncompliance to present its position that it is in compliance or to submit to the director evidence of corrective action the board took to achieve compliance. Before withholding funds, the director or the director's designee shall hold a hearing within thirty days of receipt of the board's position or evidence to determine if there are continuing violations and that either assistance is rejected or the board is unable, or has failed, to achieve compliance. The director may appoint a representative from another board of alcohol, drug addiction, and mental health services to serve as a mentor for the board in developing and

executing a plan of corrective action to achieve compliance. Any such representative shall be from a board that is in compliance with Chapter 340. of the Revised Code, this chapter, and the department's rules. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to one or more community mental health services providers or community addiction services providers to provide the mental health service, addiction service, or recovery support for which the board is not in compliance until the time that there is compliance.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5119.27. (A) As used in this section:

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

(2) "Federally assisted," "program," and "substance use disorder" have the same meanings as in 42 C.F.R. 2.11 and as further described in 42 C.F.R. 2.12(b).

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

(B) In accordance with 42 U.S.C. 290dd-2, records or information created or maintained by a federally assisted program for the treatment of substance use disorders shall be kept confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under 42 C.F.R. Part 2.

(C) When the person, with respect to whom any record or information referred to in division (B) of this section is

maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the requirements set forth in 42 C.F.R. 2.31.

(D) In accordance with 42 C.F.R. 2.35, a person who is subject to a community control sanction, a post-release control sanction, is on parole, or is ordered to intervention in lieu of conviction, and who has agreed to participate in a federally assisted program for the treatment of substance use disorders as a condition of the community control sanction, post-release control sanction, parole, or intervention order, shall consent to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the person's community control sanction, post-release control sanction, parole, or intervention order. A person, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of the person's community control sanction, post-release control sanction, parole, or intervention order.

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure of a person's record may be made without the person's consent to qualified personnel for the purpose of conducting scientific research, management, financial audits, or program evaluation, but these personnel may not identify, directly or indirectly, any particular person in any report of the research, audit, or evaluation, or otherwise disclose a person's identity in any manner.

(F) In accordance with 42 C.F.R. 2.66, upon the request of a prosecuting attorney or the director of ~~mental~~ behavioral health ~~and addiction services~~, a court of competent jurisdiction may order the disclosure of records or information referred to in division (B) of this section if the court has reason to believe that a federally assisted program for the treatment of substance use disorders is being operated or used in a manner contrary to law. The use of any information or record so disclosed shall be limited to the prosecution of persons who are or may be charged with any offense related to the illegal operation or use of the program, or to the decision to withdraw the authority of a the program to continue operation. For purposes of this division the court shall do all of the following:

(1) Limit disclosure to those parts of the person's record considered essential to fulfill the objective for which the order was granted;

(2) Require, where appropriate, that all information be disclosed in chambers;

(3) Include any other appropriate measures to keep disclosure to a minimum, consistent with the protection of the persons seeking or receiving services, the provider-client relationship, and the administration of the program.

Sec. 5119.28. (A) All records, and reports, other than court journal entries or court docket entries, identifying a person and pertaining to the person's mental health condition, assessment, provision of care, treatment, or recovery supports, or payment for assessment, care, treatment, or recovery supports that are maintained in connection with any services certified by the department of ~~mental~~ behavioral health ~~and addiction~~

~~services~~, any recovery supports paid for with funds administered by the department or a board of alcohol, drug addiction, and mental health services, or any hospitals or facilities licensed or operated by the department, shall be kept confidential and shall not be disclosed by any person except:

(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents;

(2) When disclosure is provided for in this chapter or Chapter 340. or 5122. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, licensed facilities, and community mental health services providers may release necessary information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the person;

(4) Pursuant to a court order signed by a judge;

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons;

(6) That the department of ~~mental~~ behavioral health ~~and addiction services~~ may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services.

Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(7) That the department of ~~mental~~ behavioral health ~~and addiction services~~, hospitals and community providers operated by the department, hospitals licensed by the department under section 5119.33 of the Revised Code, and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for the person or for the emergency treatment of the person;

(8) That the department of ~~mental~~ behavioral health ~~and addiction services~~ and community mental health services providers may exchange psychiatric records and other pertinent information with boards of alcohol, drug addiction, and mental health services for purposes of any board function set forth in Chapter 340. of the Revised Code. Boards of alcohol, drug addiction, and mental health services shall not access any personal information from the department or providers except as required or permitted by this section, or Chapter 340. or 5122. of the Revised Code for purposes related to payment, care coordination, health care operations, program and service evaluation, reporting activities, research, system administration, oversight, or other authorized purposes.

(9) That a person's family member who is involved in the provision, planning, and monitoring of services to the person may receive medication information, a summary of the person's

diagnosis and prognosis, and a list of the services and personnel available to assist the person and the person's family, if the person's treatment provider determines that the disclosure would be in the best interests of the person. No such disclosure shall be made unless the person is notified first and receives the information and does not object to the disclosure.

(10) That community mental health services providers may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other providers in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(11) That information may be disclosed to the executor or the administrator of an estate of a deceased person when the information is necessary to administer the estate;

(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of ~~mental~~ behavioral health ~~and addiction services~~ for the purpose of evaluating the quality, effectiveness, and efficiency of mental health services and recovery supports and determining if the services and supports meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any person.

(13) That records pertaining to the person's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the person was committed pursuant to section 2945.38,

2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under Chapter 5122. of the Revised Code;

(14) That the department of ~~mental~~ behavioral health ~~and addiction services~~ may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(15) That a community mental health services provider that ceases to operate may transfer to either a community mental health services provider that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the person resided at the time mental health services or recovery supports were most recently provided any records concerning the services or supports that have not been transferred elsewhere at the person's request;

(16) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (10) of this section, the custodian of the records shall attempt to obtain the person's consent for the disclosure.

(C) No person shall reveal the content of a medical record of a person that is confidential pursuant to this section, except as authorized by law.

Sec. 5119.29. The department of ~~mental~~ behavioral health~~and addiction services~~, in conjunction with boards of alcohol, drug addiction, and mental health services and community mental health boards, shall develop a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:

(A) Centralize responsibility for the tracking of those persons;

(B) Develop uniformity in monitoring those persons;

(C) Develop a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

Sec. 5119.30. The department of ~~mental~~ behavioral health ~~and addiction services~~ promptly shall develop and maintain a program that continually provides the courts of this state with relevant information pertaining to addiction services and

programs available both within their jurisdictions and statewide in order to facilitate the ability of the courts to utilize treatment and rehabilitation alternatives in addition to or in lieu of imposing sentences of imprisonment upon appropriate offenders.

Sec. 5119.31. The department of administrative services shall purchase all supplies needed for the proper support and maintenance of the institutions under the control of the department of ~~mental~~ behavioral health ~~and addiction services~~ in accordance with the competitive selection procedures of Chapter 125. of the Revised Code and such rules as the department of administrative services adopts. All bids shall be publicly opened on the day and hour and at the place specified in the advertisement.

Preference shall be given to bidders in localities wherein the institution is located, if the price is fair and reasonable and not greater than the usual price; but bids not meeting the specifications shall be rejected.

The department of administrative services may require such security as it considers proper to accompany the bids and shall fix the security to be given by the contractor.

The department of administrative services may reject any or all bids and secure new bids, if for any reason it is deemed for the best interest of the state to do so, and it may authorize the managing officer of any institution to purchase perishable goods and supplies for use in cases of emergency, in which cases such managing officer shall certify such fact in writing and the department of administrative services shall record the reasons for such purchase.

Sec. 5119.311. The department of ~~mental~~ behavioral health ~~and addiction services~~ may examine into, with or without expert assistance, the question of the mental and physical condition of any person committed to or involuntarily confined in any hospital for persons with mental illnesses, or restrained of liberty at any place within this state by reason of alleged mental illness and may order and compel the discharge of any such person who is not a person with a mental illness subject to court order as defined in division (B) of section 5122.01 of the Revised Code and direct what disposition shall be made of the person. The order of discharge shall be signed by the director of ~~mental~~ behavioral health ~~and addiction services~~. Upon receipt of such order by the superintendent or other person in charge of the building in which the person named in such order is confined, such person shall forthwith be discharged or otherwise disposed of according to the terms of said order, and any further or other detention of such person is unlawful. No such order shall be made in favor of any person committed and held for trial on a criminal charge, in confinement by an order of a judge or court made in a criminal proceeding, or in any case unless notice is given to the superintendent or other person having charge of the building in which the alleged person with a mental illness is detained, and a reasonable opportunity is allowed the person in charge to justify further detention of the person confined.

Sec. 5119.32. The department of ~~mental~~ behavioral health ~~and addiction services~~ is hereby designated as the state administrative agency for the substance abuse prevention treatment block grant and the community mental health services block grant authorized by the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol,

drug abuse, or mental health programs that are specified in an appropriations act.

Sec. 5119.33. ~~(A)(1)~~ (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall inspect and license all hospitals that receive persons with mental illnesses, except those hospitals managed by the department. No hospital may receive for care or treatment, either at public or private expense, any person who is or appears to have a mental illness, whether or not so adjudicated, unless the hospital has received a license from the department authorizing it to receive for care or treatment persons with mental illnesses or the hospital is managed by the department.

~~(2) No such license shall be granted to a hospital for the treatment of persons with mental illnesses unless both of the following are the case:~~

~~(a) The department is satisfied, after investigation, that the hospital is managed and operated by qualified persons, is adequately staffed and equipped to operate, and has on its staff one or more qualified physicians responsible for the medical care of the patients confined there. At least one such physician shall be a psychiatrist.~~

~~(b) The department has not been notified under section 5119.334 of the Revised Code or is not otherwise aware that the hospital, or any owner, sponsor, medical director, administrator, or principal of the hospital, has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.~~

(B) The department shall adopt rules under Chapter 119. of

the Revised Code prescribing minimum standards for the operation of hospitals for the care and treatment of persons with mental illnesses and establishing standards and procedures for the issuance, renewal, or revocation of full, probationary, and interim licenses. No license shall be granted to any hospital established or used for the care of persons with mental illnesses unless such hospital is operating in accordance with this section and rules adopted pursuant to this section. A full license shall expire one year after the date of issuance, a probationary license shall expire at the time prescribed by rule adopted pursuant to Chapter 119. of the Revised Code by the director of ~~mental~~ behavioral health ~~and addiction services~~, and an interim license shall expire ninety days after the date of issuance. A full, probationary, or interim license may be renewed, except that an interim license may be renewed only twice. The department may fix reasonable fees for licenses and for license renewals. Such hospitals are subject to inspection and on-site review by the department.

(C) Except as otherwise provided in Chapter 5122. of the Revised Code, neither the director of ~~mental~~ behavioral health ~~and addiction services~~; an employee of the department; a board of alcohol, drug addiction, and mental health services or employee of a community mental health services provider; nor any other public official shall hospitalize any person with a mental illness for care or treatment in any hospital that is not licensed in accordance with this section.

(D)(1) The department may issue an order suspending the admission of patients with mental illnesses to a hospital for care or treatment if it finds either of the following:

(a) The hospital is not in compliance with rules adopted

by the director pursuant to this section.

(b) The hospital has been cited for more than one violation of statutes or rules during any previous period of time during which the hospital is licensed pursuant to this section.

(2)(a) Except as provided in division (D)(2)(b) of this section, proceedings initiated to suspend the admission of patients are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the

request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis

for the order has been corrected.

(E)(1) ~~Any license issued by the department under this section may be revoked or not renewed by the department~~ The department may deny, refuse to renew, or revoke a license for any of the following reasons:

(a) The hospital is ~~no longer~~ not a suitable place for the care or treatment of persons with mental illnesses.

(b) The hospital refuses to be subject to inspection or on-site review by the department.

(c) The hospital ~~has failed~~ fails to furnish humane, kind, and adequate treatment and care.

(d) The hospital fails to comply with the licensure rules of the department.

(e) The department finds that the hospital is not managed and operated by qualified persons, is not adequately staffed and equipped to operate, or does not have on its staff one or more qualified physicians, including at least one psychiatrist, who is responsible for the care of the patients in the hospital.

(f) The department has been notified under section 5119.334 of the Revised Code or otherwise becomes aware that the hospital, any owner, sponsor, medical director, administrator, or principal of the hospital, or any subsidiary of the hospital, owner, or sponsor has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary

licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings.

(F)(1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending the admission of patients, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.331. If the department of ~~mental~~ behavioral health ~~and addiction services~~ determines that a hospital not licensed by the department is receiving for care or treatment any person who is or appears to have a mental illness, the department may request in writing that the attorney general petition the court of common pleas in the county where the hospital is located to enjoin the hospital from continued operation in violation of section 5119.33 of the Revised Code.

Sec. 5119.332. No third-party payer shall directly or

indirectly reimburse, nor shall any person be obligated to pay any hospital for psychiatric services for which a license is required under section 5119.33 of the Revised Code unless the hospital is licensed by the department of ~~mental~~ behavioral health ~~and addiction services~~.

As used in this section, "third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5101. of the Revised Code, or any self-insurance plan.

Sec. 5119.333. No person shall keep or maintain a hospital for the care or treatment of persons with mental illnesses unless it is licensed by the department of ~~mental~~ behavioral health ~~and addiction services~~, as provided by section 5119.33 of the Revised Code.

Sec. 5119.334. (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority other than the department of behavioral health to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a hospital or practice a health care profession.

(B)(1) When submitting an application for initial or renewed licensure of a hospital under section 5119.33 of the Revised Code, the applicant shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~ of any adverse action taken against any of the following during the three-year period immediately preceding the date of application:

(a) The hospital ~~or the hospital's~~ ;

(b) Any owner, sponsor, medical director, administrator, or ~~any of its principals within~~ principal of the ~~three-year period immediately preceding the date of application~~hospital;

(c) Any subsidiary of the hospital, owner, or sponsor.

(2) Not later than seven days after receiving a notice of adverse action ~~from a licensing or regulatory authority that is other than the department of mental health and addiction services~~, the holder of a hospital license issued under section 5119.33 of the Revised Code shall notify the department of the action.

(C) To notify the department as required by this section, a copy of the notice of adverse action shall be provided to the department.

Sec. 5119.34. (A) As used in this section and sections 5119.341 to ~~5119.343~~ 5119.344 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one

years of age.

(5) ~~"Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.~~

~~(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.~~

~~(7)~~ "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

~~(8)~~(6) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division ~~(A)(8)~~(A)(6) of this section to be considered to be providing personal care services.

~~(9)~~(7) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services,

housekeeping services, or any combination thereof.

~~(10)~~(8) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code.

~~(11)~~(9) "Supervision" means any of the following:

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;

(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;

(c) Assisting a resident in making or keeping an appointment.

~~(12)~~(10) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of ~~mental~~ behavioral health ~~and addiction services~~ for the hospitalization of persons with mental illnesses pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification under section 5103.03 of the Revised Code;

(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;

(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;

(g) Any facility that receives funding for operating costs

from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;

(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;

(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;

(j) The residence of a relative or guardian of a person with mental illness.

(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a resident who is physically impaired but mentally alert, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E) A person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of ~~mental~~ behavioral health ~~and addiction services~~. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division (N) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(F) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall inspect and license the operation of residential facilities. ~~The department may issue a license to operate a residential facility only if all of the following are the case:~~

~~(1) The department is satisfied, after investigation, that the facility is managed and operated by qualified persons and is adequately staffed and equipped to operate.~~

~~(2) The department has not been notified under section 5119.343 of the Revised Code or is not otherwise aware that the residential facility or any owner, operator, or manager of the residential facility has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.~~

~~(3) The department has not been notified or is not otherwise aware that the residential facility or any owner, operator, or manager of the facility has been the subject of an adverse action, as defined in that section, taken at any time based on an act or omission that violated the right of a residential facility resident to be free from abuse, neglect, or exploitation.~~

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of ~~mental~~ behavioral health ~~and addiction services~~ under division (N) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division (N) of this section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division (N) of this section. The fee is nonrefundable.

(G)(1) If the department finds any of the following with respect to a residential facility, the department may issue an order suspending the admission of residents to the facility, refuse to issue or renew a license for the facility, or revoke

the facility's license:

(a) The facility is not in compliance with rules adopted by the director pursuant to division (N) of this section;

(b) Any facility operated by the applicant or licensee has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or previous licenses;

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation.

(d) The facility is not managed and operated by qualified persons or adequately staffed and equipped to operate.

(e) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action.

(f) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken at any time based on an act or omission that violated the right of a residential facility resident to be free from abuse, neglect, or exploitation.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary

licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings.

Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section.

(3) In a proceeding initiated to suspend the admission of residents to a facility, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The

director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings

initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(J)(1) The department of ~~mental~~ behavioral health ~~and addiction services~~ may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division (J)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall

correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

(K) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

(L) The following may enter a residential facility at any time:

(1) Employees designated by the director of ~~mental~~ behavioral health ~~and addiction services~~;

(2) Employees of an ADAMHS board under either of the following circumstances:

(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;

(b) When authorized by section 340.05 of the Revised Code.

(3) Employees of a community mental health services provider under either of the following circumstances:

(a) When the provider has a person receiving services residing in the facility;

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.

The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.

(M) Employees of the department of ~~mental~~ behavioral health ~~and addiction services~~ may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

(N) The director of behavioral health shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and

other non-resident occupants who may have direct access to facility residents;

(4) The fee to be paid when applying for a new residential facility license or renewing the license;

(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;

(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;

(7) Measures to be taken by residential facilities relative to residents' medication;

(8) Requirements relating to preparation of special diets;

(9) The maximum number of residents who may be served in a residential facility;

(10) The rights of residents of residential facilities and procedures to protect such rights;

(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.

(O)(1) The department of behavioral health may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such

disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(2) Any person who makes a complaint under division (O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.

(P)(1) The director of ~~mental~~ behavioral health ~~and addiction services~~ may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.

(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

(Q) The director of behavioral health may fine a person for violating division (K) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 5119.342. (A) Upon petition by the director of ~~mental~~ behavioral health ~~and addiction services~~, the court of common pleas or the probate court may appoint a receiver to take possession of and operate a residential facility licensed pursuant to section 5119.34 of the Revised Code, when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents.

Petitions filed pursuant to this section shall include:

(1) A description of the specific conditions existing at the residential facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the residential facility as a pattern or practice; and

(5) The name and address of the person holding the license for the residential facility.

(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility of the filing. The department shall send notice of the filing to the following, as appropriate: the Ohio protection and advocacy system as defined in section 5123.60 of the Revised Code; facility owner; facility operator; board of alcohol, drug addiction, and mental health services; board of health; department of developmental disabilities; department of job and family services; facility residents; and residents' families and guardians. The court shall provide a hearing on the petition within five court days of the time it was filed, except that the court may appoint a receiver prior to that time if it determines that the circumstances necessitate such action.

Following a hearing on the petition, and upon a determination that the appointment of a receiver is warranted, the court shall appoint a receiver and notify the department of ~~mental~~ behavioral health ~~and addiction services~~ and appropriate persons of this action.

In setting forth the powers of the receiver, the court may generally authorize the receiver to do all that is prudent and necessary to safely and efficiently operate the residential facility within the requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver and shall require regular and detailed reports.

(C) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the

following:

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility;

(2) Circumstances no longer exist at the residential facility which present a substantial risk of physical or mental harm to residents, and there is no deficiency in the residential facility that is likely to create a future risk of harm.

Notwithstanding division (C)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of ~~mental~~ behavioral health ~~and addiction services~~.

(D) Except for the department of ~~mental~~ behavioral health ~~and addiction services~~ or appropriate board of alcohol, drug addiction, and mental health services, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall maintain a list of the names of such persons. The department of ~~mental~~ behavioral health ~~and addiction services~~, the department of job and family services, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.

Before entering upon the duties of receiver, the receiver must be sworn to perform the duties faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the

effect that such receiver will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

(1) Under the control of the appointing court, a receiver may do the following:

(a) Bring and defend actions in the appointee's name as receiver;

(b) Take and keep possession of property.

(2) The court shall authorize the receiver to do the following:

(a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;

(b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership;

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:

(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(ii) Providing for the transportation of residents'

belongings and records;

(iii) Helping to locate alternative placements and develop plans for transfer;

(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.

(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.

(e) Compromise demands or claims; and

(f) Generally do such acts respecting the residential facility as the court authorizes.

Notwithstanding any other provision of law, contracts which are necessary to carry out the powers and duties of the receiver need not be competitively bid.

Sec. 5119.343. (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority other than the department of behavioral health to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a residential facility or practice a health care profession.

(B)(1) When submitting an application for initial or renewed licensure of a residential facility under section 5119.34 of the Revised Code, the applicant shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~ of

any adverse action taken against any of the following during the three-year period immediately preceding the date of application:

(a) The residential facility ~~or the facility's~~ ;

(b) Any owner, operator, or manager ~~within~~ of the ~~three-year period immediately preceding the date of application~~facility;

(c) Any subsidiary of the facility, owner, or operator.

(2) Not later than seven days after receiving a notice of adverse action ~~from a licensing or regulatory authority that is other than the department of mental health and addiction services~~, the holder of a residential facility license issued under section 5119.34 of the Revised Code shall notify the department of the action.

(3) To notify the department as required by this section, a copy of the notice of adverse action shall be provided to the department.

Sec. 5119.344. (A) As used in this section, "principal" means an owner, operator, or manager of a class one residential facility.

(B) The department of mental health and addiction services may suspend, without a prior hearing, the license of a class one residential facility that serves children if any of the following occurs:

(1) A child suffers a serious injury or dies while residing in the residential facility.

(2) The department, a public children services agency, or a county department of job and family services determines that a principal, employee, volunteer, or nonresident occupant of the

residential facility created a serious risk to the health or safety of a child residing in the facility that resulted in or could have resulted in a child's death or injury.

(3) A principal, employee, resident, volunteer, or nonresident occupant of the facility was charged by an indictment, information, or complaint with an offense relating to the death, injury, or sexual assault of another person that occurred on the premises of the facility.

(4) A principal, employee, volunteer, or nonresident occupant of the facility was charged by an indictment, information, or complaint with an offense relating to the death, injury, or sexual assault of a child residing in the facility.

(5) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child, who is the subject of the report, is either of the following:

(a) A principal of the residential facility;

(b) An employee of the residential facility who has not been immediately placed on administrative leave or released from employment.

(6) The residential facility is not in compliance with the rule, adopted under section 5119.34 of the Revised Code, pertaining to background investigations for owners, operators, employees, and other specified individuals.

(C) In suspending a license under division (B) of this section, the department shall comply with section 119.07 of the Revised Code. The owner of a class one residential facility may request an adjudicatory hearing before the department pursuant to sections 119.06 and 119.12 of the Revised Code. If a hearing

is requested and the department does not issue its final adjudication order within one hundred twenty days after the suspension, the suspension is void on the one hundred twenty-first day after the suspension, unless the hearing on the suspension is continued on agreement by the parties or for good cause.

(D) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues, pursuant to Chapter 119. of the Revised Code, a final order terminating the suspension.

(E) A class one residential facility serving children shall not have children placed in the facility while a summary suspension remains in effect. Upon the issuance of the order of suspension, the department shall place a hold on the license or indicate that the license is suspended in Ohio's statewide automated child welfare information system.

(F) The director of mental health and addiction services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(G) This section does not limit the authority of the department to take other action, such as issuing an order suspending the admission of residents to a residential facility,

refusing to issue or renew a license for a facility, or revoking a facility's license under section 5119.34 of the Revised Code.

Sec. 5119.35. (A) Except as provided in division (B) of this section, if a mental health service or alcohol and drug addiction service has been specified in rules adopted under this section as a service that is required to be certified, no person or government entity shall provide that service unless it has been certified under section 5119.36 of the Revised Code.

(B) Division (A) of this section does not apply to either of the following:

(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of a health care profession that includes the performance of any service that is required to be certified as described in this section, regardless of whether the service is performed as part of a sole proprietorship, partnership, or group practice;

(2) An individual who provides any service that is required to be certified as described in this section as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the director of ~~mental~~ behavioral health ~~and addiction services~~.

(C)(1) If the director of ~~mental~~ behavioral health ~~and addiction services~~ determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the court of common pleas in the county where the person or government entity is located or providing the services to enjoin the person or government entity from engaging in the conduct

that violates division (A) of this section.

(2) No person or government entity that is subject to this section is eligible to receive, for a service that is subject to this section, any federal funds, state funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless that service has been certified under section 5119.36 of the Revised Code. This limitation is in addition to the injunction that may be sought under division (C)(1) of this section for a violation of division (A) of this section.

(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code to specify mental health services and alcohol and drug addiction services that are required to be certified under section 5119.36 of the Revised Code.

Sec. 5119.36. (A) A person or government entity that seeks initial certification of one or more certifiable services and supports, or that seeks to renew certification of one or more certifiable services and supports, shall submit an application to the director of ~~mental~~ behavioral health ~~and addiction services~~. On receipt of the application, the director shall determine whether the standards established by ~~divisions~~ division (B) ~~and (C)~~ of this section and any rules adopted under this section are satisfied or continue to be satisfied by the applicant. As part of the determination the director may conduct an on-site review of the applicant. In doing so, the director may conduct the review in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code.

Not later than fourteen days after receipt of an ~~initial or renewal~~ application for initial or renewed certification, the director shall inform the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the applicant's certifiable services and supports will be provided of the receipt of the application. On the board's request, the director shall provide the board with a copy of the application.

Not later than thirty days after a provider's certification ceases to be valid for any reason, including the provider's failure to renew the certification prior to expiration, the director's acceptance of the provider's surrender of the certification, or the issuance of a final order for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this section, the director shall provide notice to the applicable board of alcohol, drug addiction, and mental health services of the reason the certification ceased to be valid and the date it became invalid.

(B)(1) Except as provided in division (B)(4) of this section, beginning on ~~the effective date of this amendment~~ October 3, 2023, an applicant seeking initial certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B)(3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports.

(2) Except as provided in division (B)(4) of this section, beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited by one or more national accrediting organizations

specified in division (B)(3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports.

(3) For purposes of divisions (B)(1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations:

(a) The joint commission;

(b) The commission on accreditation of rehabilitation facilities;

(c) The council on accreditation;

(d) Any other national accrediting organization the director considers appropriate.

(4) The accreditation requirements of divisions (B)(1) and (2) of this section do not apply to an applicant seeking an initial or renewed certification to provide prevention services, as that term is defined in rules adopted under this section. For such applicants, accreditation is optional.

~~(C) In addition to meeting the accreditation standard set forth in division (B) of this section, an applicant seeking initial or renewed certification of one or more certifiable services and supports is eligible to receive the certification only if both of the following are the case, as determined by the director:~~

~~(1) The applicant has adequate staff and equipment to provide the certifiable services and supports;~~

~~(2) The department has not been notified under section~~

~~5119.367 of the Revised Code or is not otherwise aware that the applicant, or any owner or principal of the applicant, has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.~~

~~(D)(1)~~(C)(1) Except as provided in division ~~(D)(2)~~(C)(2) of this section, if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, ~~that the applicant meets the requirements of division (C) of this section,~~ and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division ~~(J)~~(I) of this section, the director shall issue or renew the certification without further evaluation of the services and supports.

(2) Prior to October 1, 2025, if an applicant that seeks to renew certification of certifiable services and supports is not accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section, the director shall conduct an evaluation of the applicant to determine whether the applicant's certifiable services and supports satisfy the standards for certification. The evaluation is in addition to any on-site review conducted under division (A) of this section and shall be performed in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the

Revised Code. If the director determines that an applicant has paid any required certification fee, that the applicant's certifiable services and supports satisfy the standards for renewed certification, ~~that the applicant meets the requirements of division (C) of this section,~~ and that the applicant meets any other requirements established by this section or the rules adopted under it, the director shall certify the certifiable services and supports.

~~(E)~~ (D) For purposes of the accreditation requirements of this section, both of the following apply:

(1) The director may review the accrediting organizations specified in division (B)(3) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol and drug addiction services, or physical health services. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.

(2) The director shall require a community mental health services provider and a community addiction services provider to notify the director not later than ten days after any change in the provider's accreditation status. The provider may notify the director by providing a copy of the relevant document the provider received from the accrediting organization.

~~(F)~~ (E) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.

~~(G)~~ (F) The director may refuse to certify certifiable

services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules adopted under this section.

(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.

(3) The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;

(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.

(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports.

(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the applicant, any owner or principal of the applicant, or any subsidiary of the applicant or owner has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action.

~~(H)~~ (G) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider, as provided in division ~~(M)~~ (L) of this section, the

order remains in effect during the pendency of those proceedings.

~~(I)~~ (H) The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction services and confirmed or alleged deficiencies brought to the attention of the director. This authority does not affect the director's duty to conduct the inspections required by section 5119.37 of the Revised Code.

In conducting an on-site review under this division, the director may do so in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. In conducting any other evaluation under this division, the director shall do so in cooperation with such a board.

~~(J)~~ (I) If the director proposes to take action under division ~~(G)~~ (F) of this section, the director shall notify the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the certifiable services and supports will be or were provided, and provide the board opportunity to respond as specified in division (A) of this section with respect to initial or renewal applications.

When a final order is issued by the director under division ~~(G)~~ (F) of this section, the director may request that the appropriate board of alcohol, drug addiction, and mental health services reallocate any funds for the certifiable

services and supports the applicant was to provide to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the certifiable services and supports and allocate those funds directly to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards.

~~(K)~~ (J) Each applicant seeking initial or renewed certification of its certifiable services and supports shall pay a fee for the certification required by this section, unless the applicant is exempt under rules adopted under this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

~~(L)~~ (K) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Subject to section 340.034 of the Revised Code, specify the types of recovery supports that are required to be certified under this section;

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of persons receiving certifiable services and supports.

The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;

(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of an applicant;

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;

(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;

(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:

(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;

(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;

(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;

(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.

(l) Documentation that must be submitted as evidence of holding appropriate accreditation;

(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B)(3) of this section.

(3) Establish the process for certification of certifiable services and supports;

(4) Set the amount of initial and renewal certification fees and any reasons for which applicants may be exempt from the fees;

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds;

(6) Establish a process by which the director, based on

deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division ~~(I)~~ (H) of this section, may take any range of correction actions, including revocation of the provider's certification.

~~(M)(1)~~ (L)(1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:

(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section;

(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.

(2)(a) Except as provided in division ~~(M)(2)(b)~~ (L)(2)(b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The provider may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five

days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the provider may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

~~(N)(1)~~(M)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

~~(O)~~(N) The department of ~~mental~~ behavioral health ~~and~~

~~addiction services~~ shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

~~(P)~~ (O) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made.

~~(Q)~~ (P) If a board of alcohol, drug addiction, and mental health services requests the department of ~~mental~~ behavioral health ~~and addiction services~~ to investigate a community mental health services provider or community addiction services provider pursuant to this section, the department shall initiate the investigation not later than ten business days after receipt of the request. If the department initiates an investigation of a community mental health services provider or community addiction services provider under this section for any other reason, the department shall notify the board of alcohol, drug addiction, and mental health services serving the applicable alcohol, drug addiction, and mental health service district of the investigation and the reason for the investigation not later than three business days after the investigation begins. On the board's request, the department shall provide the board with information specifying the status of the investigation and the final disposition of the investigation.

Sec. 5119.362. (A) In accordance with rules adopted under

section 5119.363 of the Revised Code, each community addiction services provider shall do all of the following:

(1) Maintain a waiting list for the provider's included opioid and co-occurring drug addiction services and recovery supports;

(2) Notify an individual included on the provider's waiting list when the provider has a slot available for the individual and, if the individual does not contact the provider about the slot within a period of time specified in the rules, contact the individual to determine why the individual did not contact the provider and to assess whether the individual still needs the included opioid and co-occurring drug addiction services and recovery supports;

(3) Remove an individual from the waiting list if either of the following applies:

(a) The individual withdraws the individual's request for included opioid and co-occurring drug addiction services and recovery supports;

(b) When the provider notifies the individual about an available slot, the individual does not contact the provider about the slot within the period of time specified in the rules or otherwise vacates the slot before beginning to receive the services and supports.

(4) As part of the process of maintaining the waiting list, determine both of the following:

(a) For each individual who seeks from the provider included opioid and co-occurring drug addiction services and recovery supports, the number of days that starts with the day the individual first contacts the provider about accessing the

services and supports and ends on the following day:

(i) If the individual is required to be assessed for the individual's clinical need for the services and supports, the day of the assessment;

(ii) If the individual is not required to be assessed for the individual's clinical need for the services and supports, the first day of the individual's access to the services and supports.

(b) For each such individual who is required to be assessed for the individual's clinical need for the services and supports, the number of days that starts with the day of the assessment and ends with the first day of the individual's access to the services and supports.

(5) Using information the provider acquires by maintaining the waiting list, determine whether included opioid and co-occurring drug addiction services and recovery supports are insufficient to meet the needs of individuals on the waiting list;

(6) Subject to division (B) of this section, report all of the following information not later than the last day of each month to the department of ~~mental~~ behavioral health ~~and addiction services~~:

(a) An unduplicated count of all individuals who were included on the provider's waiting list during the immediately preceding month and each type of included opioid and co-occurring drug addiction services and recovery supports for which they were waiting;

(b) The total number of days each such individual had been on the provider's waiting list during the immediately preceding

month;

(c) The last known type of residential setting in which each such individual resided during the immediately preceding month;

(d) The total number of individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A)(2) of this section about the provider having slots available for the individuals and, if known, the reasons the contacts were not made;

(e) The total number of such individuals who withdrew, in the immediately preceding month, their requests for included opioid and co-occurring drug addiction services and recovery supports, each type of service and support that those individuals had requested or been assessed as having a clinical need for, and, if known, the reasons those individuals withdrew their requests;

(f) An unduplicated count of all individuals who were referred to another community addiction services provider because the referring provider does not provide the type of included opioid and co-occurring drug addiction services and recovery supports that those individuals had requested or been assessed as having a clinical need for and each type of service and support for which those individuals were referred;

(g) All other information specified in the rules.

(B) Each report that a community addiction services provider provides to the department under this section shall do both of the following:

(1) For the purposes of divisions (A)(6)(a) and (f) of this section, specify the counties of residence of the

individuals in the unduplicated counts and include identifying information required by the rules adopted under section 5119.363 of the Revised Code so that the department is able to identify any individuals who are inadvertently duplicated in the counts;

(2) For the purpose of the information reported under division (A)(6)(c) of this section, identify the types of residential settings at least as either institutional or noninstitutional.

Sec. 5119.363. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall adopt rules governing the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The director shall adopt rules under this section that authorize the department of ~~mental~~ behavioral health ~~and addiction services~~ to determine an advanced practice registered nurse's, physician assistant's, or physician's compliance with section 3719.064 of the Revised Code if such practitioner works for a community addiction services provider.

Sec. 5119.364. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall do both of the following with the reports it receives from community addiction services providers under section 5119.362 of the Revised Code:

(1) Subject to division (B) of this section, make the reports available on the department's internet web site;

(2) Make the reports available in an electronic format to boards of alcohol, drug addiction, and mental health services in a manner that provides the information about an individual contained in a report to the board that serves the individual's

county.

(B) In making the reports available on the department's web site, the department shall present the information contained in the reports on both a statewide aggregate basis and county-level aggregate basis. The information on the web site shall be updated monthly after the community addiction services providers submit new reports to the department.

Sec. 5119.365. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:

(A) Streamline the intake procedures used by a community addiction services provider accepting and beginning to serve a new individual, including procedures regarding intake forms and questionnaires;

(B) Enable a community addiction services provider to retain an individual as an active patient even though the patient last received services from the provider more than thirty days before resumption of services so that the individual and provider do not have to repeat the intake procedures.

Sec. 5119.366. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health services provider and community addiction services provider with which it contracts under section 340.036 of the Revised Code to provide certifiable services and supports establish grievance procedures consistent with rules adopted under section 5119.36 of the Revised Code that are available to all persons seeking or receiving certifiable services and supports from a community mental health

services provider or community addiction services provider.

Sec. 5119.367. (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority other than the department of behavioral health to deny, revoke, suspend, place on probation, or otherwise restrict a license, certification, or other approval to provide certifiable services and supports or an equivalent to certifiable services and supports.

(B)(1) When submitting an application for initial or renewed certification of one or more certifiable services and supports, the applicant shall notify the department of ~~mental~~ behavioral health ~~and addiction services~~ of any adverse action taken against the following during the three-year period immediately preceding the date of application:

(a) The applicant ~~or any~~ ;

(b) Any owner or principal of the applicant ~~within~~ ;

(c) Any subsidiary of the ~~three-year period immediately preceding the date of application~~applicant or owner.

(2) Not later than seven days after receiving a notice of adverse action ~~from a licensing or regulatory authority that is other than the department of mental health and addiction services~~, ~~an applicant for initial or renewed certification or~~ the holder of a certification issued under section 5119.36 of the Revised Code shall notify the department of the action.

(C) To notify the department as required by this section, a copy of the notice of adverse action shall be provided to the department.

Sec. 5119.368. (A) As used in this section, "telehealth

services" has the same meaning as in section 4743.09 of the Revised Code.

(B) Each community mental health services provider and community addiction services provider shall establish written policies and procedures describing how the provider will ensure that staff persons assisting clients with receiving telehealth services or providing telehealth services are fully trained in using equipment necessary for providing the services.

(C) Prior to providing telehealth services to a client, a provider shall describe to the client the potential risks associated with receiving treatment through telehealth services and shall document that the client was provided with the risks and agreed to assume those risks. The risks communicated to a client shall address the following:

(1) Clinical aspects of receiving treatment through telehealth services;

(2) Security considerations when receiving treatment through telehealth services;

(3) Confidentiality for individual and group counseling.

(D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected.

(E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services.

(F) Providers shall maintain, at a minimum, the following

information pertaining to local resources:

(1) The local suicide prevention telephone hotline, if available, or the national suicide prevention telephone hotline.

(2) Contact information for the local police and fire departments.

The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.

(G) It is the responsibility of the provider to ensure that equipment meets standards sufficient to do the following:

(1) To the extent possible, ensure confidentiality of communication;

(2) Provide for interactive communication between the provider and the client;

(3) When providing telehealth services using synchronous technology, ensure that video or audio are sufficient to enable real-time interaction between the client and the provider and to ensure the quality of the service provided.

(H) A mental health facility or unit that is serving as a client site shall be maintained in such a manner that appropriate staff persons are on hand at the facility or unit in the event of a malfunction with the equipment used to provide telehealth services.

(I)(1) All telehealth services provided by interactive videoconferencing shall meet both of the following conditions:

(a) Begin with the verification of the client through a name and password or personal identification number when

treatment services are being provided;

(b) Be provided in accordance with state and federal law.

(2) When providing telehealth services in accordance with this section, a provider shall comply with all requirements under state and federal law regarding the protection of patient information. Each provider shall ensure that any username or password information and any electronic communications between the provider and a client are securely transmitted and stored.

(J) The department of ~~mental~~ behavioral health ~~and addiction services~~ may adopt rules as it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by the department are not subject to the requirements of division (F) of section 121.95 of the Revised Code.

Sec. 5119.37. (A)(1)(a) Except as provided in division (A)(1)(b) of this section, no person or government entity shall operate an opioid treatment program requiring certification, as certification is defined in 42 C.F.R. 8.2, unless the person or government entity is a community addiction services provider and the program is licensed under this section.

(b) Division (A)(1)(a) of this section does not apply to a program operated by the United States department of veterans affairs.

(2) No community addiction services provider licensed under this section shall operate an opioid treatment program in a manner inconsistent with this section and the rules adopted under it.

(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to

the department of ~~mental~~ behavioral health ~~and addiction services~~. The department shall review all applications received.

(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

(1) During the three-year period immediately preceding the date of application, the provider ~~or any owner, sponsor, medical director, administrator, or principal of the provider has~~ and each of the following, as the case may be, have been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program~~, as~~ : an owner, sponsor, medical director, administrator, or principal of the provider; a subsidiary of the provider; or a subsidiary of the provider's owner or sponsor. Good standing shall be evidenced by both of the following:

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction;

(b) Not having been the subject of any of the following in this state or another jurisdiction:

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the

inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program.

(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department.

(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C)(4) of this section if it receives, from each public or private school, child care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

(E)(1) Except as provided in division (E)(2) of this section, a license to operate an opioid treatment program shall expire two years from the date of issuance. Licenses may be renewed.

(2) In circumstances in which the director of ~~mental~~ behavioral health ~~and addiction services~~ has concerns regarding compliance of a community addiction services provider licensed as an opioid treatment program, the department shall notify the provider of those concerns and stipulate that the provider's license expires annually on a date determined by the department.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment program. The rules shall establish standards for the control, storage, furnishing, use, dispensing, and administering of medications used in medication-assisted treatment; prescribe minimum standards for the operation of the opioid treatment program component of the provider's operations; and comply with federal laws and regulations.

All rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. All actions taken by the department regarding the licensing of providers to operate opioid treatment programs shall be conducted in accordance with Chapter 119. of the Revised Code, except as provided in division (L) of this section.

(G)(1) The department shall inspect all community addiction services providers licensed to operate an opioid treatment program. Inspections shall be conducted at least biennially and may be conducted more frequently.

In addition, the department may inspect any provider or other person that it reasonably believes to be operating an opioid treatment program without a license issued under this section.

(2) When conducting an inspection, the department may do both of the following:

(a) Examine and copy all records, accounts, and other documents relating to the provider's or other person's operations, including records pertaining to patients or clients;

(b) Conduct interviews with any individual employed by or contracted or otherwise associated with the provider or person, including an administrator, staff person, patient, or client.

(3) No person or government entity shall interfere with a state or local government official acting on behalf of the department while conducting an inspection.

(H) A community addiction services provider shall not administer or dispense methadone in a tablet, powder, or intravenous form. Methadone shall be administered or dispensed only in a liquid form intended for ingestion.

A community addiction services provider shall not administer or dispense a medication used in medication-assisted treatment for pain or other medical reasons.

(I) As used in this division, "program sponsor" means a person who assumes responsibility for the operation and employees of the opioid treatment program component of a community addiction services provider's operations.

A provider shall not permit an individual to act as a program sponsor, medical director, or director of the provider

if the individual is receiving a medication used in medication-assisted treatment from any community addiction services provider.

(J) The department may issue orders to ensure compliance with all laws relating to drug abuse and the rules adopted under this section. Subject to section 5119.27 of the Revised Code, the department may hold hearings, require the production of relevant matter, compel testimony, issue subpoenas, and make adjudications. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the department may apply to a court of common pleas for an order compelling compliance.

(K) The department may refuse to issue, or may withdraw or revoke, a license to operate an opioid treatment program. A license may be refused if a community addiction services provider does not meet the requirements of division (C) of this section. A license may be withdrawn at any time the department determines that the provider no longer meets the requirements for receiving the license. A license may be revoked in accordance with division (L) of this section.

Once a license is issued under this section, the department shall not consider the requirement of division (C)(4) of this section in determining whether to renew, withdraw, or revoke the license or whether to reissue the license as a result of a change in ownership.

(L) If the department finds reasonable cause to believe that a community addiction services provider licensed under this section is in violation of any state or federal law or rule relating to drug abuse, the department may issue an order immediately revoking the license, subject to division (M) of

this section. The department shall set a date not more than fifteen days later than the date of the order of revocation for a hearing on the continuation or cancellation of the revocation. For good cause, the department may continue the hearing on application of any interested party. In conducting hearings, the department has all the authority and power set forth in division (J) of this section. Following the hearing, the department shall either confirm or cancel the revocation. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code, except that the provider shall not be permitted to operate an opioid treatment program pending the hearing or pending any appeal from an adjudication made as a result of the hearing. Notwithstanding any provision of Chapter 119. of the Revised Code to the contrary, a court shall not stay or suspend any order of revocation issued by the department under this division pending judicial appeal.

(M) The department shall not revoke a license to operate an opioid treatment program unless all clients receiving medication used in medication-assisted treatment from the community addiction services provider are provided adequate substitute medication or treatment. For purposes of this division, the department may transfer the clients to other providers licensed to operate opioid treatment programs or replace any or all of the administrators and staff of the provider with representatives of the department who shall continue on a provisional basis the opioid treatment component of the provider's operations.

(N) Each time the department receives an application from a community addiction services provider for a license to operate an opioid treatment program, issues or refuses to issue a license, or withdraws or revokes a license, the department shall

notify the board of alcohol, drug addiction, and mental health services of each alcohol, drug addiction, and mental health service district in which the provider operates.

(O) Whenever it appears to the department from files, upon complaint, or otherwise, that a community addiction services provider has engaged in any practice declared to be illegal or prohibited by section 3719.61 of the Revised Code, or any other state or federal laws or regulations relating to drug abuse, or when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community addiction services providers licensed by the department under this section and shall provide a copy of the current list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code and to a board of alcohol, drug addiction, and mental health services that requests a copy for purposes of division (I)(3) of section 340.08 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

Sec. 5119.371. (A) On application by a community addiction services provider that has purchased or leased real property to be used as the location of an opioid treatment program subject to licensure under section 5119.37 of the Revised Code, the department of ~~mental~~ behavioral health ~~and addiction services~~ shall determine whether the location of the proposed program

complies with the requirements of division (C)(4) of section 5119.37 of the Revised Code by not being located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

If the department determines that the location is in compliance with division (C)(4) of section 5119.37 of the Revised Code, the department shall issue a declaration stating that the location is in compliance. The declaration is valid for two years from the date of issuance.

The department shall provide to the provider either a copy of the declaration or a notice that the department has determined that the location is not in compliance with division (C)(4) of section 5119.37 of the Revised Code.

If, before expiration of the declaration, a community addiction services provider applies for a license to operate an opioid treatment program, the department shall not consider the requirement of division (C)(4) of section 5119.37 of the Revised Code in determining whether to issue the license.

(B) A community addiction services provider seeking to relocate an opioid treatment program licensed under section 5119.37 of the Revised Code may apply for and be granted a declaration under division (A) of this section. If, before expiration of the declaration, the provider applies for issuance of a license due to relocation, the department shall not consider the requirement of division (C)(4) of section 5119.37 of the Revised Code in determining whether to reissue the license due to relocation.

Sec. 5119.38. A drivers' intervention program may be used as an alternative to a term of imprisonment for an offender sentenced pursuant to division (G)(1)(a) of section 4511.19 of the Revised Code, if it is certified by the director of ~~mental~~ behavioral health ~~and addiction services~~ pursuant to this section. No drivers' intervention program shall be used as an alternative to a term of imprisonment that is imposed pursuant to division (G)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code.

To qualify for certification by the director and to receive funds from the statewide treatment and prevention fund created by section 4301.30 of the Revised Code in any amounts and at any times that the director determines are appropriate, a drivers' intervention program shall meet state minimum standards that the director shall establish by rule. The rules shall include, but are not limited to, standards governing program course hours and content, qualifications of program personnel, methods of identifying and testing participants to isolate participants with alcohol and drug abuse problems, referral of such persons to community addiction services providers, the prompt notification of courts by program operators of the completion of the programs by persons required by courts to attend them, and record keeping, including methods of tracking participants for a reasonable time after they have left the program.

The director shall issue a certificate to any qualified drivers' intervention program. The certificate is valid for three years.

Sec. 5119.39. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall monitor the operation of

recovery housing in this state by doing either of the following:

(1) Certifying recovery housing residences through a process established by the department;

(2) Accepting accreditation, or its equivalent for recovery housing, from one or more of the following:

(a) The Ohio affiliate of the national alliance for recovery residences;

(b) Oxford house, inc.;

(c) Any other organization that is designated by the department for purposes of this section.

(B) If the department certifies recovery housing residences, the department shall, in rules adopted under section 5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences.

Sec. 5119.391. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall monitor the establishment of recovery housing residences in this state.

(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after ~~the effective date of this section~~ October 3, 2023, including any recovery housing that was established and in operation prior to ~~the effective date of this section~~ October 3, 2023, shall file with the department, on a form prescribed by the department, all of the following information:

(1) The name of the recovery housing residence and any other name under which the residence does business;

(2) The address of the recovery housing residence;

(3) The name of the person or government entity operating the residence;

(4) The primary telephone number and electronic mail address for the recovery housing operator;

(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;

(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining;

(7) Any other information the department considers appropriate.

(C) The form required by division (B) of this section shall be filed with the department as follows:

(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after ~~the effective date of this section~~ October 3, 2023;

(2) For a recovery housing residence that will begin operating on or after ~~the effective date of this section~~ October 3, 2023, not later than thirty days after the first resident begins occupying the residence.

(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization.

Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies:

(1)(a) If the department of ~~mental~~ behavioral health ~~and addiction services~~ certifies recovery housing residences, the recovery housing residence is certified by the department.

(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization.

(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code.

(B) If the director of ~~mental~~ behavioral health ~~and addiction services~~ determines that a recovery housing residence is operating in violation of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence.

Sec. 5119.393. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department

may contract with one or more of the organizations specified in section 5119.39 of the Revised Code to fulfill some or all of the functions associated with receiving and investigating complaints.

(B) Any organization under contract with the department to receive and investigate complaints shall make reports to the department as follows:

(1) Not less than monthly, the contractor shall report the status of each pending investigation and shall report the outcome of each investigation that has been completed since the last report was made;

(2) As soon as practicable, but not later than ten days after making an adverse decision, if a contractor's accreditation or its equivalent is accepted by the department for purposes of section 5119.39 of the Revised Code, the contractor shall report that decision to the department in a manner prescribed by the department.

(C)(1) With respect to complaints received by the department or a contractor of the department, information and records received, collected, or generated by the department or a contractor pursuant to an investigation, and reports that are made under division (B) of this section, all of the following apply to those items, subject to division (C)(2) of this section:

(a) The items are confidential and not public records under section 149.43 of the Revised Code.

(b) The items are exempt from the provisions of Chapter 1347. of the Revised Code.

(c) The items are not subject to discovery in any civil

action.

(2)(a) The items described in division (C)(1) of this section shall be disclosed if required by law.

(b) The items described in division (C)(1) of this section may be disclosed to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents.

(c) The items described in division (C)(1) of this section may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part thereof that contains names or other identifying information about residents, complainants, or others whose confidentiality was protected by the department or its contractor when the items were in the possession of the department or contractor. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

(d) The items described in division (C)(1) of this section may be included in the registry established and maintained under section 5119.394 of the Revised Code, but the department shall make its best effort to do so in a manner that protects the confidentiality of complainants, individuals or organizations providing information about a complaint, and recovery housing residents. The department may refer to any of the foregoing in the registry as long as it removes personally identifying information or uses any other technique it considers appropriate to maintain confidentiality.

Sec. 5119.394. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall establish and maintain a registry of recovery housing residences that meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code. ~~For~~

(B) For each residence, the registry shall include all of the following, subject to the confidentiality requirements of division (C) of section 5119.393 of the Revise Code:

(1) Any information from the form required by division (B) of section 5119.391 of the Revised Code that the department chooses to include in the registry;

(2) If a complaint received under section 5119.393 of the Revised Code has been investigated and substantiated, a description of the complaint, the date the complaint was submitted to the department or its contractor, and the outcome of the investigation;

(3) Any other information the department considers appropriate.

~~(B)~~ (C) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed.

~~(C)~~ (D) The department shall make the registry available to the public on the department's web site.

Sec. 5119.395. (A) Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or

other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions:

(1) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code;

(2) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code.

(B) If the director of ~~mental~~ behavioral health ~~and addiction services~~ determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county where the person or government entity is operating the residence or other building to enjoin that person or government entity from engaging in the conduct that violates division (A) of this section.

Sec. 5119.397. The director of ~~mental~~ behavioral health ~~and addiction services~~ may adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 5119.39 to 5119.396 of the Revised Code.

Sec. 5119.40. (A) As used in this section, "individual with a mental illness" and "specialized services" have the same meanings as in section 5165.03 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section and rules adopted under division (E)(3) of this section, for purposes of section 5165.03 of the Revised Code, the

department of ~~mental~~ behavioral health ~~and addiction services~~ shall determine in accordance with the "Social Security Act," section 1919(e)(7), 42 U.S.C. 1396r(e)(7), and regulations adopted under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), whether, because of the individual's physical and mental condition, an individual with a mental illness seeking admission to a nursing facility requires the level of services provided by a nursing facility and, if the individual requires that level of services, whether the individual requires specialized services for mental illness. The determination required by this division shall be based on an independent physical and mental evaluation performed by a person or entity other than the department.

(2) Except as provided in division (B)(3) of this section, a determination under division (B)(1) of this section is not required for any of the following:

(a) An individual seeking readmission to a nursing facility after having been transferred from a nursing facility to a hospital for care;

(b) An individual who meets all of the following conditions:

(i) The individual is admitted to the nursing facility directly from a hospital after receiving inpatient care at the hospital;

(ii) The individual requires nursing facility services for the condition for which care in the hospital was received;

(iii) The individual's attending physician has certified, before admission to the nursing facility, that the individual is likely to require less than thirty days of nursing facility

services.

(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay.

(3) A determination under division (B)(1) of this section is required for an individual described in division (B)(2)(a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following:

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of persons with mental illnesses;

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code.

(C) Except as provided in rules adopted under division (E)(3) of this section, the department of ~~mental~~ behavioral health ~~and addiction services~~ shall review and determine for each resident of a nursing facility who has a mental illness, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental illness. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act and based on an independent physical and mental evaluation performed by a person or entity other than the department. The review and determination shall be completed promptly after a nursing facility has notified the department

that there has been a significant change in the resident's mental or physical condition.

(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental illness, the department, in consultation with the resident's family or legal representative and care givers, shall do all of the following:

(a) Inform the resident of the institutional and noninstitutional alternatives covered under the state plan for medical assistance;

(b) Offer the resident the choice of remaining in the nursing facility or receiving covered services in an alternative institutional or noninstitutional setting;

(c) Clarify the effect on eligibility for services under the state plan for medical assistance if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental illness in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty months before the date of the review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility,

but is determined to require specialized services for mental illness, or if the resident is determined to require neither the level of services provided by a nursing facility nor specialized services for mental illness, the department shall act in accordance with its alternative disposition plan approved by the United States department of health and human services under section 1919(e)(7)(E) of the "Social Security Act."

(3) In the case of an individual who is determined under division (B) or (C) of this section to require both the level of services provided by a nursing facility and specialized services for mental illness, the department of ~~mental~~ behavioral health ~~and addiction services~~ shall provide or arrange for the provision of the specialized services needed by the individual or resident while residing in a nursing facility.

(E) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish criteria to be used in making the determinations required by divisions (B) and (C) of this section. The criteria shall not exceed the criteria established by regulations adopted by the United States department of health and human services under section 1919(f)(8)(A) of the "Social Security Act."

(2) Specify information to be provided by the individual or nursing facility resident being assessed;

(3) Specify any circumstances, in addition to circumstances listed in division (B) of this section, under which determinations under divisions (B) and (C) of this section are not required to be made.

Sec. 5119.41. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall implement the residential state supplement program under which the state supplements the amounts received by aged, blind, or disabled adults as supplemental security income payments under Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq., or as social security benefits or social security disability insurance benefits under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to recipients of supplemental security income payments, social security benefits, and social security disability insurance benefits who the department determines are at risk of needing institutional care.

In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity either by entering into a contract with the entity to ~~provided~~ provide the services or by otherwise delegating to the entity the responsibility to provide the services.

(B) To be eligible for residential state supplement payments, an individual must satisfy all eligibility requirements established by rules adopted under this section.

(C) The director of ~~mental~~ behavioral health ~~and addiction services~~ and the medicaid director shall adopt rules as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The rules adopted by the director of ~~mental~~ behavioral health ~~and addiction services~~ may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

To the extent permitted by Title XVI of the "Social Security Act" and any other provision of federal law, the rules adopted by the medicaid director may establish standards for adjusting the eligibility requirements concerning the level of impairment an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are disabled solely on a basis classifying disabilities as physical or mental.

(D) The county department of job and family services of the county in which an applicant for the residential state supplement program resides or the department of medicaid shall determine whether the applicant meets income and resource requirements for the program.

The county department of job and family services or the department of medicaid shall notify each individual who is denied approval for payments under the program of the individual's right to a hearing. On request, the hearing shall be provided in accordance with section 5101.35 of the Revised Code.

(E) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this program solely by

reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

Sec. 5119.42. (A) As used in this section, "private, nonprofit organization" means a private association, organization, corporation, or other entity that is tax exempt under section 501(a) and described in section 501(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501.

(B) To the extent funds are available and on application by boards of alcohol, drug addiction, and mental health services, the director of ~~mental~~ behavioral health ~~and addiction services~~ may approve state reimbursement of, or state grants for, community construction programs including residential housing for persons with severe mental disabilities and persons with substance use disorders. The director may also approve an application for reimbursement or a grant for such programs submitted by other governmental entities or by private, nonprofit organizations, after the application has been reviewed and recommended for approval or disapproval by the board of alcohol, drug addiction, and mental health services for the district from which the application came, and the application is consistent with the board's approved community addiction and mental health plan submitted under division (A) of section 340.03 of the Revised Code and the board's approved budget and list of addiction services, mental health services, and recovery supports submitted under divisions (A) and (B) of section 340.08 of the Revised Code.

(C)(1) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code that specify procedures for applying

for state reimbursement of and state grants for community construction programs, including residential housing for persons with severe mental disabilities and persons with substance use disorders and procedures and criteria for approval of such reimbursement and grants.

(2) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall not approve state reimbursement or a state grant unless all of the following conditions are met:

(a) The applicant includes with the application a plan specifying the services, in addition to housing, that will be provided to persons who will reside in the residential housing. Services specified may include any of the services described in section 340.09 of the Revised Code.

(b) The director is satisfied that the residential housing for persons with severe mental disabilities will be developed to promote the maximum practical integration of persons with severe mental disabilities with persons at the same site who do not have severe mental disabilities.

(c) The use of any funds distributed pursuant to the reimbursement or grant will not subject any obligation from which the funds are derived to federal income taxation.

(3) The director may enter into an agreement establishing terms for any reimbursement or grant approved under this division with the organization, board, or other government entity that is the recipient of the reimbursement or grant. Any such agreement is subject to any covenant or agreement pertaining to any obligation issued to provide funds for the reimbursement or grant.

Sec. 5119.421. (A) This section applies to a board of

alcohol, drug addiction, and mental health services, another governmental entity, or a private, nonprofit organization that received a grant or reimbursement under section 5119.42 of the Revised Code for a facility on which the department of ~~mental~~ behavioral health ~~and addiction services~~ holds a security interest.

(B) A board of alcohol, drug addiction, and mental health services, another governmental entity, or a private, nonprofit organization to which this section applies may apply to the director of ~~mental~~ behavioral health ~~and addiction services~~ for approval to sell its facility and acquire, construct, or renovate a replacement facility pursuant to this section. The director shall prescribe the form of the application. Before submitting an application to the director, a governmental entity or private, nonprofit organization must obtain approval of the application from the board of alcohol, drug addiction, and mental health services with jurisdiction over the service district in which the existing facility is located. The director shall approve an application for a replacement project upon determining that the project provides for the continuation of appropriate mental health and addiction services to the population served by the board, entity, or organization.

(C) A board, entity, or organization that obtains approval for a project under division (B) of this section shall pay the proceeds of the sale of its facility to the director of ~~mental~~ behavioral health ~~and addiction services~~. The director shall deposit the proceeds to the credit of the community capital replacement facilities fund.

(D) When a board, entity, or organization that has sold its facility notifies the director of ~~mental~~ behavioral health

~~and addiction services~~ that it is ready to acquire, construct, or renovate a replacement facility, the director shall do one of the following:

(1) If the replacement facility is located in the same alcohol, drug addiction, and mental health service district as the original facility, and if the purposes for which the replacement facility will be used are the same as or similar to those for the original facility, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the lesser of an amount equal to the proceeds of the sale of the original facility or the amount of the state's agreed-upon participation (as a per cent of the total cost) in the cost of the replacement facility. If the amount of the state's agreed-upon participation in the cost of the replacement facility is less than the value of the state's security interest in the original facility, the difference between the state's agreed-upon participation in the cost of the replacement facility and the value of the state's security interest in the original facility shall be retained in the community capital replacement facilities fund, and any excess proceeds shall be paid to the board, entity, or organization.

(2) If the replacement facility is located in a different alcohol, drug addiction, and mental health service district than the original facility, or if the purposes for which the replacement facility will be used are not the same as or similar to those for the original facility, the director shall request controlling board approval for release of funds for the project. If the controlling board so approves, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund the lesser of an amount equal to the

proceeds of the sale of the original facility or the amount of the state's agreed-upon participation (as a per cent of the total cost) in the cost of the replacement facility. If the amount of the state's agreed-upon participation in the cost of the replacement facility is less than the value of the state's security interest in the original facility, the difference between the state's agreed-upon participation in the cost of the replacement facility and the value of the state's security interest in the original facility shall be retained in the community capital replacement facilities fund, and any excess proceeds shall be paid to the board, entity, or organization.

(E) The director of ~~mental~~ behavioral health ~~and addiction services~~ and a board, entity, or organization shall enter into an agreement specifying the terms of any payment made to the board, entity, or organization under division (D) of this section. The terms may include provision for the department of ~~mental~~ behavioral health ~~and addiction services~~ to hold a security interest in the facility.

(F)(1) When approving an application under division (B) of this section, the director of ~~mental~~ behavioral health ~~and addiction~~ services shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F)(1) of this section, if at any time a board, entity, or organization notifies the director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section 5119.42 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall use the fund for the purposes of this section.

Sec. 5119.43. (A) The director of ~~mental~~ behavioral health ~~and addiction services~~ may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of ~~mental~~ behavioral health ~~and addiction services~~ in the following manner:

(1) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall designate lands and facilities that are not

needed by the department of ~~mental~~ behavioral health ~~and addiction services~~ and are under the jurisdiction of the department.

(2) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of ~~mental~~ behavioral health ~~and addiction services~~ a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of ~~mental~~ behavioral health ~~and addiction services~~ shall certify to the clerk of the house of representatives and to the clerk of the senate a list of all lands and facilities which may be sold or leased, and shall include with the list the results of the preliminary appraisals of the lands and facilities, a general description of the land and facilities, and a description of the current use of the land and facilities.

(4) Every list of lands and facilities certified by the director of ~~mental~~ behavioral health ~~and addiction services~~ to the clerk of the house of representatives and to the clerk of the senate under division (A)(3) of this section, shall immediately be transmitted by the respective clerks to the committees in the house and the senate to which land conveyance bills are usually referred. If either committee files in its clerk's office, within sixty calendar days of the original certification of the lands and facilities by the director of ~~mental~~ behavioral health~~ and addiction services~~, a report disapproving the sale or lease of any lands or facilities, the

sale or lease of the lands or facilities disapproved in the report shall not be made under this section. With respect to a sale or lease of lands and facilities that has not been disapproved under this division, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall certify those lands and facilities to the director of administrative services.

(5) After certification to the director of administrative services under division (A)(4) of this section, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall have a formal appraisal made of the lands and facilities by a disinterested professional appraiser from the department of administrative services. The director of ~~mental~~ behavioral health ~~and addiction services~~ may accept the formal appraisal or may reject it and order a new formal appraisal by a disinterested professional appraiser who shall not be from the department of administrative services. The director of ~~mental~~ behavioral health ~~and addiction services~~ may then sell or lease the lands or facilities in accordance with this division and department of administrative services procedures as set forth in Chapter 123. of the Revised Code. Any such deed or lease shall be prepared and recorded pursuant to section 5301.13 of the Revised Code. The department of administrative services shall be the sole agent for the state and shall complete the sale or lease of the lands or facilities, up to and including the closing thereof, after the director of ~~mental~~ behavioral health ~~and addiction services~~ approves the sale price. The director of ~~mental~~ behavioral health ~~and addiction services~~ and the director of administrative services may, if it is determined to be in the best interests of the state, agree to sell surplus land for an amount less than the formal appraised value but shall not sell any land for less than two-thirds of the formal appraised value.

(B) Coincident with the certification made under division (A)(3) of this section concerning lands which may be sold, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall give written notice of intention to sell the lands by certified mail to the executive officer of each county, township, municipal corporation, and school district within which the lands are situated. In each notice, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall specify the conditions under which the lands shall be sold, including whether the lands will be sold as a single unit or sold in specific parcels that the director designates, and shall solicit from the subdivision offers to purchase the lands in accordance with the conditions the director of ~~mental~~ behavioral health ~~and addiction services~~ has specified and at a price equal to the preliminary appraised value determined pursuant to division (A)(2) of this section. If, within thirty days of having certified the lands to the director of administrative services under division (A)(4) of this section, the director of ~~mental~~ behavioral health ~~and addiction services~~ receives from the executive officer of a subdivision a written offer to purchase the lands at or above the price specified in the original notice from the director of ~~mental~~ behavioral health ~~and addiction services~~ to the officer, provided such offer otherwise complies with the conditions of purchase specified in the original notice from the director of ~~mental~~ behavioral health ~~and addiction services~~, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall forthwith enter into an agreement to sell the lands to the subdivision. The agreement shall incorporate any and all terms that are acceptable to both parties and that are consistent with the terms specified in the original notice from the director of ~~mental~~ behavioral health ~~and addiction services~~. If no offer to purchase is received by the director of ~~mental~~

behavioral health ~~and addiction services~~ within the thirty-day period provided in this division, the original notice from the director of ~~mental~~ behavioral health ~~and addiction services~~ shall be considered withdrawn and the director of ~~mental~~ behavioral health ~~and addiction services~~ shall be under no obligation to sell any of the lands specified in the notice to the subdivision. If two or more offers to purchase the same parcels of land are received by the director of ~~mental~~ behavioral health ~~and addiction services~~ within the required time period from the executive officers of two or more subdivisions, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall accept the offer or offers to purchase that the director considers to be in the best interests of the state and of the department of ~~mental~~ behavioral health ~~and addiction services~~ and shall proceed to enter into agreements of sale pursuant to this division. If all of the original notices from the director of ~~mental~~ behavioral health ~~and addiction services~~ relating to a given parcel of land become withdrawn, the director of ~~mental~~ behavioral health ~~and addiction services~~ may thereupon proceed to sell the parcel as otherwise provided in this section. No subdivision may commence an action to enforce the provisions of this division, or to seek any other legal or equitable remedy relative to this division, with respect to any lands certified to the director of administrative services under division (A)(4) of this section, except within sixty days of the date on which the lands were so certified.

(C) Any agreement under this section shall be at such terms as will be in the best interests of the state and the department of ~~mental~~ behavioral health ~~and addiction services~~. However, the terms of any agreement for sale shall include a provision that the purchaser will abide by any comprehensive

plan for the area that has been adopted by the local government in which the property is located before the parties enter into the agreement. No lease shall be of a duration greater than fifteen years. No agreement, except an agreement entered into under division (B) of this section, shall be entered into before the proposal to sell or lease the land or facilities has been advertised once each week for four weeks in a newspaper of general circulation in every county in which the lands or facilities are located and if the preliminary appraised value of the land to be sold or leased is more than one hundred thousand dollars, advertisement shall be made once each week for four weeks in at least two newspapers in the state having a daily circulation of one hundred thousand or more. If a city in this state is served by more than one newspaper having a circulation of one hundred thousand or more, advertisement may be made in only one of the newspapers serving the city.

(D) Each deed or lease prepared and recorded pursuant to this section shall contain a recital stating that all provisions of this section have been complied with. The recital shall be considered binding and conclusive against all subdivisions of the state provided no action has been commenced pursuant to division (B) of this section. Any deed or lease containing such a recital shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(E) Nothing in this section shall be construed as establishing a precedent for the disposal of state lands and facilities by other departments of the state.

Sec. 5119.431. When it is necessary for a state

institution under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ to acquire any real estate, right of way, or easement in real estate in order to accomplish the purposes for which it was organized or is being conducted, and the department is unable to agree with the owner of such property upon the price to be paid therefor, such property may be appropriated in the manner provided for the appropriation of property for other state purposes.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 5119.44. As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of ~~mental~~ behavioral health ~~and addiction services~~ may provide certain goods and services for the department of ~~mental~~ behavioral health ~~and addiction services~~, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of ~~mental~~ behavioral health ~~and addiction services~~ determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of ~~mental~~ behavioral health ~~and addiction services~~ also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies, other than free clinics, that are funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of ~~mental~~

behavioral health ~~and addiction services~~ for community addiction services providers and community mental health services providers, the director of developmental disabilities for community developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies, or the director of youth services for community youth services agencies.

Designated community agencies or services providers shall receive goods and services through the department of ~~mental~~ behavioral health ~~and addiction services~~ only in those cases where the designating state agency certifies that providing such goods and services to the agency or services provider will conserve public resources to the benefit of the public and where the provision of such goods and services is considered feasible by the department of ~~mental~~ behavioral health ~~and addiction services~~.

(B) The department of ~~mental~~ behavioral health ~~and addiction services~~ may permit free clinics to purchase certain goods and services to the extent the purchases fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit institutions, in 15 U.S.C. 13c, as amended.

(C) The goods and services that may be provided by the department of ~~mental~~ behavioral health ~~and addiction services~~ under divisions (A) and (B) of this section may include:

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms,

optical supplies, and sundries;

(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;

(4) Other goods and services.

(D) The department of ~~mental~~ behavioral health ~~and addiction services~~ may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers.

(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of ~~mental~~ behavioral health ~~and addiction services~~ may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services.

(F) The cost of administration of this section shall be determined by the department of ~~mental~~ behavioral health ~~and addiction services~~ and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

(G) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget

and management may transfer moneys from the state agency to the department of ~~mental~~ behavioral health ~~and addiction services~~. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.

(H) Purchases of goods and services under this section are not subject to section 307.86 of the Revised Code.

Sec. 5119.45. Unless otherwise specifically provided by law, all moneys received by the department of ~~mental~~ behavioral health ~~and addiction services~~ from the sale of goods and services, including, but not limited to, shared service agreements with other governmental entities and nongovernmental entities, employee housing and cafeteria receipts, fees for copying services, and sales of other tangible personal property under the department's control, shall be paid into the state treasury to the credit of the sale of goods and services fund, which is hereby created. Moneys received by the department pursuant to section 5119.44 of the Revised Code shall not be paid into the fund. The department shall use the moneys in the fund for paying operating expenses of the department.

Sec. 5119.46. There is hereby created in the state treasury the department of ~~mental~~ behavioral health ~~and addiction services~~ trust fund. Not later than the first day of September of each year, the director of ~~mental~~ behavioral health ~~and addiction services~~ shall certify to the director of budget and management the amount of all of the unexpended, unencumbered balances of general revenue fund appropriations made to the department of ~~mental~~ behavioral health ~~and addiction services~~

for the previous fiscal year, excluding funds appropriated for rental payments to the Ohio public facilities commission. On receipt of the certification, the director of budget and management shall transfer cash to the trust fund in an amount up to, but not exceeding, the total of the amounts certified by the director of ~~mental~~ behavioral health ~~and addiction services~~.

In addition, the trust fund shall receive all amounts, subject to any provisions in bond documents, received from the sale or lease of lands and facilities by the department.

All moneys in the trust fund shall be used by the department of ~~mental~~ behavioral health ~~and addiction services~~ to pay for expenditures the department incurs in performing any of its duties under this chapter. The use of moneys in the trust fund pursuant to this section does not represent an ongoing commitment to the continuation of the trust fund or to the use of moneys in the trust fund.

Sec. 5119.47. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall administer the problem casino gambling and addictions fund. The director shall use the money in the fund to support gambling addiction services, alcohol and drug addiction services, other services that relate to gambling addiction and substance abuse, and research that relates to gambling addiction and substance abuse. Treatment and prevention services supported by money in the fund under this section shall be services that are certified by the department of ~~mental~~ behavioral health ~~and addiction services~~.

The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the

president and minority leader of the senate, and the governor.

Sec. 5119.48. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall create the all roads lead to home program. The program shall include all of the following initiatives:

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018~~, and~~ . Thereafter, the announcements shall be made at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month.

(2) A web site ~~as~~ that meets the requirements described in division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.

(B) The media campaign described in division (A)(1) of this section shall do all of the following:

(1) Include messages to reduce the stigma associated with seeking help for drug addiction;

(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following:

(a) Information on where to find help for drug addiction;

(b) Information on intervention and referral options;

(c) Contact information for ~~county board~~ boards of alcohol, drug addiction ~~assistance authorities~~, and mental health services.

(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;

(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.

(C) Before January 1, 2018, for purposes of division (A)(2) of this section, the department shall create a web site ~~as described in division (A)(2) of this section~~ that is interactive and offers all of the following components:

(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;

(2) Community detoxification and withdrawal management options and community treatment options;

(3) A searchable database of certified substance abuse providers organized by zip code;

(4) Information on recovery supports, including recovery housing residences;

(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment.

(D) The department may contract with private vendors for the creation and maintenance of the ~~interactive~~ web site described in division (C) of this section.

Sec. 5119.49. (A) The director of ~~mental~~ behavioral health

~~and addiction services~~ shall collaborate with the state board of pharmacy and attorney general in the establishment and administration of a drug take-back program, as provided under section 4729.69 of the Revised Code.

(B) The department may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code.

Sec. 5119.50. The director of ~~mental~~ behavioral health ~~and addiction services~~ may accept, hold, and administer in trust on behalf of the state, if it is for the public interest, any grant, gift, devise, or bequest of money or property made to the state for the use or benefit of any institution described in section 5119.14 of the Revised Code or for the use and benefit of persons with mental illnesses under its control. If the trust so provides, the money or property may be used for any work which the department of ~~mental~~ behavioral health ~~and addiction services~~ is authorized to undertake.

The department shall keep such gift, grant, devise, or bequest as a distinct property or fund and, if it is in money, shall invest it in the manner provided by law. The department may deposit in a proper trust company or savings bank any money left in trust during a specified life or lives and shall adopt rules governing the deposit, transfer, withdrawal, or investment of such money and the income thereof.

The department shall, in the manner prescribed by the director of budget and management pursuant to section 126.21 of the Revised Code, account for all money or property received or expended under this section. The records, together with a statement certified by the depository showing the funds

deposited there to the credit of the trust, shall be open to public inspection. The director of budget and management may require the department to file a report with the director on any particular portion, or the whole, of any trust property received or expended by it.

The department shall, upon the expiration of any trust according to its terms, dispose of the funds or property held thereunder in the manner provided in the instrument creating the trust. If the instrument creating the trust failed to make any terms of disposition, or if no trust was in evidence, then the decedent patient's money, saving or commercial deposits, dividends or distributions, bonds, or any other interest-bearing debt certificate or stamp issued by the United States government shall escheat to the state. All such unclaimed intangible personal property of a former patient shall be retained by the managing officer in such institution for the period of one year, during which time every possible effort shall be made to find such former patient or the former patient's legal representative.

If, after a period of one year from the time the patient has left the institution or has died, the managing officer has been unable to locate such person or the person's legal representative, then upon proper notice of such fact the director shall at that time formulate in writing a method of disposition on the minutes of the department authorizing the managing officer to convert such intangible personal property to cash to be paid into the state treasury to the credit of the general revenue fund.

The department shall include in its annual report a statement of all money and property and the terms and conditions

relating thereto.

Sec. 5119.51. (A) As used in this section, "supplemental services" has the same meaning as in section 5815.28 of the Revised Code.

(B) There is hereby created in the state treasury the services fund for individuals with mental illness. On the death of the beneficiary of a trust created pursuant to section 5815.28 of the Revised Code, the portion of the remaining assets of the trust specified in the trust instrument shall be deposited to the credit of the fund. Money credited to the fund shall be used for individuals with mental illness.

Supplemental services may be provided through the department or boards of alcohol, drug addiction, and mental health services. In accordance with Chapter 119. of the Revised Code, the department of ~~mental~~ behavioral health ~~and addiction services~~ may adopt any rules necessary to implement this section.

Sec. 5119.52. Each managing officer of an institution under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ as described in section 5119.14 of the Revised Code, with the approval of the director of ~~mental~~ behavioral health ~~and addiction services~~, may establish local institution funds designated as follows:

(A) Industrial and entertainment fund created and maintained for the entertainment and welfare of the patients of the institution. The director shall establish rules for the operation of the industrial and entertainment fund.

(B) Commissary fund created and maintained for the benefit of patients in the institution. Commissary revenue over and

above operating costs and reserve shall be considered profits. All profits from the commissary fund operations shall be paid into the industrial and entertainment fund and used only for the entertainment and welfare of patients. The director shall establish rules for the operation of the commissary fund.

Sec. 5119.54. The treasurer of state shall have charge of all funds under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ and shall pay out the same only in accordance with this chapter.

The department shall cause to be furnished a contract of indemnity to cover all funds received by it or by its managing officers, employees, or agents while the funds are in the possession of such managing officers, employees or agents. Such funds are designated as follows:

(A) Funds which are due and payable to the treasurer of state as provided by Chapter 131. of the Revised Code;

(B) Those funds which are held in trust by the managing officers, employees, or agents of the institution as local funds or accounts under the jurisdiction of the department.

Such contract of indemnity shall be made payable to the state and the premium for such contract of indemnity may be paid from any of the moneys received for the use of the department under this chapter and Chapters 5121. and 5122. of the Revised Code.

Funds collected from various sources, such as the sale of goods, and all miscellaneous articles, shall be transmitted on or before Monday of each week to the treasurer of state and a detailed statement of such collections shall be made to the department.

Sec. 5119.55. The department of ~~mental~~ behavioral health ~~and addiction services~~ may pay an amount for personal use to each individual residing in a state institution as described in section 5119.14 of the Revised Code who would be eligible for supplemental security income benefits at the reduced rate established by Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq., if the medicaid program covers services provided in such institutions. The amount paid by the department shall not exceed the reduced supplemental security income benefit rate established by Title XVI of the "Social Security Act."

Sec. 5119.56. Money or property deposited with managing officers of institutions under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~ by any patient under the department's control or by relatives, guardians, conservators, and others for the special benefit of such patient, as well as all other funds and all other income paid to the patient, the patient's estate, or on the patient's behalf, or paid to the managing officer or to the institution as representative payee or otherwise paid on the patient's behalf, shall remain in the hands of such officers in appropriate accounts for use accordingly. The managing officer shall keep itemized book accounts of the receipt and disposition of such money and property, which book shall be open at all times to the inspection of the department. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall adopt rules governing the deposit, transfer, withdrawal, or investment of the funds and the income thereof, as well as rules under which such funds and income shall be paid by managing officers for the support of the patients pursuant to Chapter 5121. of the Revised Code, or for their other needs.

Whenever any patient confined in any state institution

subject to the jurisdiction of the department dies, escapes, or is discharged from such institution, and any personal funds of such person remain in the hands of the managing officer thereof and no demand for such funds is made upon such managing officer by the owner of the funds or the owner's legally appointed representative, the managing officer shall hold the funds in the personal deposit fund for a period of at least one year during which time the managing officer shall make every effort possible to locate the owner or the owner's legally appointed representative.

If at the end of this period no demand has been made for the funds, the managing officer shall dispose of the funds as follows:

(A) All money in a personal deposit fund in excess of ten dollars due for the support of a patient shall be paid in accordance with the provisions of Chapter 5121. of the Revised Code.

(B) All money in a personal deposit fund in excess of ten dollars not due for the support of a patient shall be placed to the credit of the institution's local account designated as the "industrial and entertainment" fund.

(C) The first ten dollars to the credit of a patient shall be placed to the credit of the institution's local account designated as the "industrial and entertainment" fund.

Whenever any patient in any state institution subject to the jurisdiction of the department dies, escapes, or is discharged from such institution, and any personal effects of such person remain in the hands of the managing officer thereof, and no demand is made upon such managing officer by the owner of

the property or the owner's legally appointed representative, the managing officer shall hold and dispose of such property in the following manner.

All the miscellaneous personal effects shall be held for a period of at least one year, during which time the managing officer shall make every effort possible to locate the owner or the owner's legal representative. If at the end of this period, no demand has been made by the owner of the property or the owner's legal representative, the managing officer shall file with the county recorder of the county of commitment of such owner, all deeds, wills, contract mortgages, or assignments. The balance of the personal effects shall be sold at public auction after being duly advertised, and the funds turned over to the treasurer of state for credit to the general revenue fund. If any of the property is not of a type to be filed with the county recorder and is not salable at public auction, then the managing officer of the institution shall destroy such property.

Sec. 5119.60. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall submit an annual report to the governor that shall describe the services the department offers and how appropriated funds have been spent. The report shall include all of the following:

(A) The utilization of state hospitals by each alcohol, drug addiction, and mental health service district;

(B) The number of persons served by community addiction services providers that receive funds distributed by the department, with a breakdown into categories including age, sex, race, the type of drug to which the person is addicted, and any other categories the director of ~~mental~~ behavioral health ~~and addiction services~~ considers significant;

(C) The number of persons with severe mental disabilities served in each district;

(D) The number and types of addiction services, mental health services, and recovery supports provided to persons with severe mental disabilities through state-operated services, community addiction services providers, and community mental health services providers;

(E) A report measuring the success of community addiction services providers, based on the measures for accountability developed by the department, including the percentage of persons served by such community addiction services providers who have not relapsed;

(F) Any other information that the director considers significant or is requested by the governor.

Sec. 5119.61. (A) The department of ~~mental~~ behavioral health ~~and addiction services~~ shall collect and compile statistics and other information on the care and treatment of persons with mental disabilities, and the care, treatment, and rehabilitation of persons with alcohol use disorder, persons with drug dependencies, persons in danger of drug dependence, and persons with or in danger of developing a gambling addiction in this state. The information shall include, without limitation, information on the number of such persons, the type of drug involved, if any, the type of care, treatment, or rehabilitation prescribed or undertaken, and the success or failure of the care, treatment, or rehabilitation. The department shall collect information about addiction services, mental health services, and recovery supports delivered and persons served as required for reporting and evaluation relating to state and federal funds expended for such purposes.

(B) No community addiction services provider or community mental health services provider shall fail to supply statistics and other information within its knowledge and with respect to its addiction services, mental health services, and recovery supports upon request of the department.

(C) Communications by a person seeking aid in good faith for alcohol use disorder or drug dependence are confidential, and this section does not require the collection or permit the disclosure of information which reveals or comprises the identity of any person seeking aid.

(D) Based on the information collected and compiled under division (A) of this section, the department shall develop a project to assess the outcomes of persons served by community addiction services providers and community mental health services providers that receive funds distributed by the department.

(E) The director of ~~mental~~ behavioral health ~~and addiction services~~ may fine a community addiction services provider or community mental health services provider for violating division (B) of this section. In determining whether to impose a fine, the director shall consider whether the provider has engaged in a pattern of noncompliance. If a fine is imposed, it shall be one thousand dollars for a first failure to comply with division (B) of this section and two thousand dollars for each subsequent failure. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

All fines collected under this division shall be deposited in the state treasury to the credit of the department's statewide treatment and prevention fund created by section 4301.30 of the Revised Code.

Sec. 5119.71. Pursuant to Article X of the compact set forth in section 5119.70 of the Revised Code, the director of ~~mental~~ behavioral health ~~and addiction services~~ and the director of developmental disabilities each shall designate an officer who shall be the compact administrator for the department and who, acting jointly with like officers of other party states, shall adopt rules to carry out more effectively the terms of the compact. The compact administrators of each department shall serve subject to the pleasure of the governor and shall cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreements entered into by this state thereunder.

Sec. 5119.82. There is hereby established a 9-8-8 administrator within the department of ~~mental~~ behavioral health ~~and addiction services~~ to oversee the administration of the 9-8-8 suicide prevention and mental health crisis hotline system statewide.

Sec. 5119.89. The director of ~~mental~~ behavioral health ~~and addiction services~~ shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on ~~mental~~ behavioral health ~~and addiction services~~ insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits.

The department of ~~mental~~ behavioral health ~~and addiction services~~ and the department of insurance shall jointly report annually on the departments' efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in

this state. The departments shall submit the report to the general assembly, the joint medicaid oversight committee, and the governor, not later than the thirtieth day of January of each year.

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the Revised Code:

(A) "Alcohol and other drug abuse" means alcohol use disorder or drug addiction.

(B) "Another drug" means a controlled substance as defined in section 3719.01 of the Revised Code or a harmful intoxicant as defined in section 2925.01 of the Revised Code.

(C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code.

(D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others.

(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of ~~mental~~ behavioral health ~~and addiction services~~ or an inpatient unit licensed by the department.

(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function.

(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised

Code.

(H) "Probate court" means the probate division of the court of common pleas.

(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.

(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.

(K) "Respondent" means a person alleged in a petition filed or hearing under sections 5119.91 to 5119.98 of the Revised Code to be a person who is experiencing alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.

(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons experiencing alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.

Sec. 5119.99. (A) Whoever violates section 5119.333 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates section 5119.27 or 5119.28, division ~~(P)~~ (O) of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.

Sec. 5120.16. (A) Persons sentenced to any institution, division, or place under the control of the department of rehabilitation and correction are committed to the control, care, and custody of the department. Subject to division ~~(B)~~ (C)

of this section, the director of rehabilitation and correction or the director's designee may direct that persons sentenced to the department, or to any institution or place within the department, shall be conveyed by the sheriff initially to an appropriate facility established and maintained by the department, or committed electronically in accordance with division (B) of this section, for reception, examination, observation, and classification of the persons so sentenced. Prior to removal of an individual on an out of jurisdiction detainer, the sheriff shall convey the sentenced person to the department of rehabilitation and correction or electronically commit the sentenced person in accordance with division (B) of this section.

If a presentence investigation report was not prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 regarding any person sentenced to the department or to any institution or place within the department, the director or the director's designee may order the department's field staff to conduct an offender background investigation and prepare an offender background investigation report regarding the person. The investigation and report shall be conducted in accordance with division (A) of section 2951.03 of the Revised Code and the report shall contain the same information as a presentence investigation report prepared pursuant to that section.

When the examination, observation, and classification of the person have been completed by the facility and a written report of the examination, observation, and classification is filed with the commitment papers, the director or the director's designee, subject to division (B) of this section, shall assign the person to a suitable state institution or place maintained

by the state within the director's department or shall designate that the person is to be housed in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, if authorized by section 5120.161 of the Revised Code, there to be confined, cared for, treated, trained, and rehabilitated until paroled, released in accordance with section 2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or otherwise released under the order of the court that imposed the person's sentence. No person committed by a probate court, a trial court pursuant to section 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity, or a juvenile court shall be assigned to a state correctional institution.

If a person is sentenced, committed, or assigned for the commission of a felony to any one of the institutions or places maintained by the department or to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, the department, by order duly recorded and subject to division (B) of this section, may transfer the person to any other institution, or, if authorized by section 5120.161 of the Revised Code, to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.

(B) An agreement may be entered into between a court of common pleas and the department of rehabilitation and correction under which persons may be electronically committed to the department of rehabilitation and correction.

(C) If the case of a child who is alleged to be a delinquent child is transferred for criminal prosecution to the appropriate court having jurisdiction of the offense pursuant to section 2152.12 of the Revised Code, if the child is convicted

of or pleads guilty to a felony in that case, if the child is sentenced to a prison term, as defined in section 2901.01 of the Revised Code, and if the child is under eighteen years of age when delivered to the custody of the department of rehabilitation and correction, all of the following apply regarding the housing of the child:

(1) Until the child attains eighteen years of age, subject to divisions ~~(B)(2)~~ (C)(2), (3), and (4) of this section, the department shall house the child in a housing unit in a state correctional institution separate from inmates who are eighteen years of age or older.

(2) The department is not required to house the child in the manner described in division ~~(B)(1)~~ (C)(1) of this section if the child does not observe the rules and regulations of the institution or the child otherwise creates a security risk by being housed separately.

(3) If the department receives too few inmates who are under eighteen years of age to fill a housing unit in a state correctional institution separate from inmates who are eighteen years of age or older, as described in division ~~(B)(1)~~ (C)(1) of this section, the department may house the child in a housing unit in a state correctional institution that includes both inmates who are under eighteen years of age and inmates who are eighteen years of age or older and under twenty-one years of age.

(4) Upon the child's attainment of eighteen years of age, the department may house the child with the adult population of the state correctional institution.

~~(C)~~ (D) The director or the director's designee shall

develop a policy for dealing with problems related to infection with the human immunodeficiency virus. The policy shall include methods of identifying individuals committed to the custody of the department who are at high risk of infection with the virus and counseling those individuals.

Arrangements for housing individuals diagnosed as having AIDS or an AIDS-related condition shall be made by the department based on security and medical considerations and in accordance with division ~~(B)~~ (C) of this section, if applicable.

Sec. 5120.21. (A) The department of rehabilitation and correction shall keep in its office, accessible only to its employees, except by the consent of the department or the order of the judge of a court of record, and except as provided in division (C) of this section, a record showing the name, residence, sex, age, nativity, occupation, condition, and date of entrance or commitment of every inmate in the several institutions governed by it. The record also shall include the date, cause, and terms of discharge and the condition of such person at the time of leaving, a record of all transfers from one institution to another, and, if such inmate is dead, the date and cause of death. These and other facts that the department requires shall be furnished by the managing officer of each institution within ten days after the commitment, entrance, death, or discharge of an inmate.

(B) In case of an accident or injury or peculiar death of an inmate, the managing officer shall make a special report to the department within twenty-four hours thereafter, giving the circumstances as fully as possible.

(C)(1) As used in this division, "medical record" means any document or combination of documents that pertains to the

medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(2) A separate medical record of every inmate in an institution governed by the department shall be compiled, maintained, and kept apart from and independently of any other record pertaining to the inmate. Upon the signed written request of the inmate to whom the record pertains together with the written request of either a licensed attorney at law or a licensed physician designated by the inmate, the department shall make the inmate's medical record available to the designated attorney or physician. The record may be inspected or copied by the inmate's designated attorney or physician. The department may establish a reasonable fee for the copying of any medical record. If a physician concludes that presentation of all or any part of the medical record directly to the inmate will result in serious medical harm to the inmate, the physician shall so indicate on the medical record. An inmate's medical record shall be made available to a physician or to an attorney designated in writing by the inmate not more than once every twelve months.

(D) ~~Except as otherwise provided by a~~ Notwithstanding any other law of this state or the United States to the contrary, the department and the officers of its institutions shall keep confidential and accessible only to its employees, except by the consent of the department or the order of a judge of a court of record, all of the following:

(1) Architectural, engineering, or construction diagrams, drawings, or plans of a correctional institution;

(2) Plans for hostage negotiation, for disturbance

control, for the control and location of keys, and for dealing with escapes;

(3) Statements made by inmate informants;

(4) Records that are maintained by the department of youth services, that pertain to children in its custody, and that are released to the department of rehabilitation and correction by the department of youth services pursuant to section 5139.05 of the Revised Code;

(5) Victim impact statements and information provided by victims of crimes that the department considers when determining the security level assignment, program participation, and release eligibility of inmates;

(6) Information and data of any kind or medium pertaining to groups that pose a security threat;

(7) Conversations recorded from the monitored inmate telephones that involve nonprivileged communications.

(E)(1) Records regarding inmates committed to the department of rehabilitation and correction or records of persons under the supervision of the adult parole authority are not public records under section 149.43 of the Revised Code. Nothing in this division prohibits the disclosure of the following information related to inmates committed to the department of rehabilitation and correction:

(a) Name;

(b) Criminal convictions;

(c) Photograph;

(d) Supervision status, including current and past place

of incarceration;

(e) Disciplinary history.

(2) Except as otherwise provided by a law of this state or the United States, the department of rehabilitation and correction may release inmate records to the department of youth services or a court of record, and the department of youth services or the court of record may use those records for the limited purpose of carrying out the duties of the department of youth services or the court of record. Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record shall remain confidential and shall not be considered public records as defined in section 149.43 of the Revised Code.

~~(F) Except as otherwise provided in division (C) of this section, records of inmates committed to the department of rehabilitation and correction as well as records of persons under the supervision of the adult parole authority shall not be considered public records as defined in section 149.43 of the Revised Code.~~

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the Revised Code:

(A) "Countable assets" means all of the following:

(1) Cash;

(2) Bank deposits;

(3) Securities;

(4) Individual retirement accounts;

(5) Qualified employer plans, including 401(k) and Keogh

plans;

(6) Annuities;

(7) Funds in a trust created under section 5815.28 of the Revised Code;

(8) Investment property and income;

(9) The cash surrender values of life insurance policies;

(10) Assets acquired by gift, bequest, devise, or inheritance;

(11) Any other asset determined by the department of mental health and addiction services to be equivalent to the assets enumerated in this division.

(B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health and addiction services under Chapter 5119. of

the Revised Code, except when otherwise described only as a hospital operated by the department.

(E) "Liable relative" means all of the following:

(1) A patient's spouse;

(2) A patient's mother or father, or both, if the patient is under eighteen years of age;

(3) A patient's guardian.

(F) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional institution or a person under indictment or conviction who has been transferred to a hospital.

Sec. 5121.32. On an annual basis, the department of mental health and addiction services shall determine both of the following using generally accepted governmental accounting principles:

(A) The ~~applicable~~ per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated by the department.

In determining a hospital's ~~applicable~~ per diem charge and ancillary per diem rate, the department shall consider the average actual per diem cost of maintaining and treating a patient at the hospital or, at the department's discretion, the average actual per diem cost of maintaining and treating a patient in a unit of the hospital.

Sec. 5121.33. (A) Except as provided in sections 5121.35, 5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised

Code, the department of mental health and addiction services shall, for each billing cycle, charge a patient, patient's estate, or liable relative ~~an amount equal to the sum of the following:~~

~~(A) The applicable per diem charge multiplied~~ the amount calculated under division (B) of this section for care and treatment the patient receives in a hospital operated by the department.

(B) The amount to be charged under division (A) of this section shall be calculated by multiplying the hospital's per diem charge or ancillary per diem rate determined under section 5121.32 of the Revised Code, whichever the department determines applies, by the number of days the patient was admitted to the hospital~~;~~

~~(B) An amount that was previously billed but not paid~~ during the period that is covered by the billing cycle.

Sec. 5121.34. (A) A patient, patient's estate, and patient's liable relatives shall be jointly and severally liable for amounts charged by the department of mental health and addiction services in accordance with section 5121.33 or 5121.35 of the Revised Code. In no case shall any of the foregoing persons be liable for more than one hundred per cent of the full ~~sum~~ amount charged under section 5121.33 of the Revised Code.

(B) Collections of support payments shall be made by the department and, subject to meeting prior requirements for payment and crediting of such collections and other available receipts, in accordance with the bond proceedings applicable to obligations issued pursuant to section 154.20 of the Revised Code. The collections and other available receipts designated by

the director of mental health and addiction services for deposit in the special accounts, together with insurance contract payments provided for in section 5121.43 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of the mental health operating fund, which is hereby created, to be used for the general purposes of the department. The department shall make refunds of overpayment of support charges from the mental health operating fund.

Sec. 5121.41. (A) If the assets of a patient, patient's estate, or liable relative do not exceed the countable asset limit in section 5121.40 of the Revised Code and the annual income of the patient, estate, or relative does not exceed four hundred per cent of the federal poverty level, the patient, estate, or relative shall be charged an amount discounted from the amount the department charges under section 5121.33 of the Revised Code for the first thirty days the patient is admitted as an inpatient in a hospital and for which the patient is liable for the cost of care. The amount of the discount shall be computed according to the following schedule:

Annual Gross Income

Expressed as a Percentage of FPL

	1	2	3	4	5	6	7
A	Inpatient Days at a Hospital	0 - 175	176 - 199	200 - 249	250 - 299	300 - 349	350 - 400

Percentage discount from charged amount

	1	2	3	4	5	6	7
A	1 - 14	100	90	70	50	30	10
B	15 - 30	100	95	75	55	35	15

(B) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income not greater than one hundred seventy-five per cent of the federal poverty level shall not be charged for the days the patient is admitted beyond the thirtieth day.

(C) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income greater than one hundred seventy-five per cent of the federal poverty level shall be charged an amount equal to the sum of the following for the days the patient is admitted beyond the thirtieth day:

(1) The ancillary per diem rate that applies to the hospital, as determined under section 5121.32 of the Revised Code, multiplied by the number of days the patient was admitted to the hospital;

(2) An amount that was previously charged but not paid.

Sec. 5121.43. (A) If a patient is covered by an insurance policy or other contract that provides for payment of expenses for care and treatment for mental illness at or from a hospital ~~under the jurisdiction of~~ operated by the department of mental health and addiction services, ~~sections 5121.33 to 5121.55 of the Revised Code are inapplicable to the extent that the policy or contract is in force. Any insurance carrier or other third~~

~~party payor providing coverage for such care and treatment shall pay for the patient's support obligation in amounts equal to the lesser of amounts charged by the department under section 5121.33 of the Revised Code or the benefits provided under the policy or other contract. Whether or not an insured, owner of, or other person having an interest in such policy or other contract is liable for support payments, the~~ all of the following apply with respect to the amount owed to the department for such care and treatment:

(1) The insured, policy owner, or other person having an interest in the policy or other contract shall assign payment directly to the department of all assignable benefits under the policy or other contract and shall pay to the department, within ten days of receipt, all insurance or other benefits received as reimbursement or payment for expenses incurred by the patient or for any other reason. ~~If the insured, policy owner, or other person refuses to assign payment to the department or refuses to pay received reimbursements or payments to the department within ten days of receipt, the total liability of the insured, policy owner, or other person for the services is an amount equal to the per diem charge for the hospital where the patient was admitted multiplied by the number of days the patient was admitted.~~

(2)(a) Regardless of the coverage provided by the policy or other contract, the patient, patient's estate, or patient's liable relative is liable to the department for the actual cost of care and treatment calculated under section 5121.33 of the Revised Code.

(b) If the amount the department receives through the assignment of benefits, as required by division (A)(1) of this

section, is less than the actual cost of care and treatment that is calculated under section 5121.33 of the Revised Code, the department shall charge the patient, patient's estate, or liable relative the lesser of the following:

(i) The amount calculated under section 5121.33 of the Revised Code that remains after subtracting the amount the department receives through the assignment of benefits;

(ii) The amount calculated under section 5121.33 of the Revised Code that applies after the department takes into consideration the exceptions described in sections 5121.35, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code.

(3) In no event shall ~~this total~~ a patient, patient's estate, or liable relative have liability ~~exceed~~ under this section for an amount that exceeds either, as the case may be, the department's actual cost of providing care and treatment to a patient calculated under section 5121.33 of the Revised Code or the amount that is charged under division (A)(2)(b) of this section.

(B) With respect to the requirements of division (A)(1) of this section, both of the following apply:

(1) The department may disqualify patients and liable relatives who have failed to assign benefits in accordance with division (A)(1) of this section, and retained third party funds, from future discounts that otherwise may have been available.

(2) The department may request that the attorney general petition a court of competent jurisdiction to compel ~~the~~ an insured, policy owner ~~of~~, or other person having an interest in the policy or other contract to comply with the assignment requirements ~~in~~ of division (A)(1) of this section.

Sec. 5122.01. As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "Person with a mental illness subject to court order" means a person with a mental illness who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;

(4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;

(5)(a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:

(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

(II) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

(iii) The person, as a result of the person's mental illness, is unlikely to voluntarily participate in necessary treatment.

(iv) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in

substantial risk of serious harm to the person or others.

(b) An individual who meets only the criteria described in division (B)(5)(a) of this section is not subject to hospitalization.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic

association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of ~~mental~~ behavioral health ~~and addiction services~~.

(H) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of ~~mental~~ behavioral health ~~and addiction services~~ under section 5119.36 of the Revised Code.

(I) "Licensed clinical psychologist" means a person who holds a current, valid psychologist license issued under section 4732.12 of the Revised Code, and in addition, meets the educational requirements set forth in division (B) of section 4732.10 of the Revised Code and has a minimum of two years' full-time professional experience, or the equivalent as determined by rule of the state board of psychology, at least one year of which shall be a predoctoral internship, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or intellectual disability under the supervision of a psychologist who is licensed or who holds a diploma issued by the American board of professional psychology, or whose qualifications are substantially similar to those required for

licensure by the state board of psychology when the supervision has occurred prior to enactment of laws governing the practice of psychology.

(J) "Health officer" means any public health physician; public health nurse; or other person authorized or designated by a city or general health district or a board of alcohol, drug addiction, and mental health services to perform the duties of a health officer under this chapter.

(K) "Chief clinical officer" means the medical director of a hospital, community mental health services provider, or board of alcohol, drug addiction, and mental health services, or, if there is no medical director, the licensed physician responsible for the treatment provided by a hospital or community mental health services provider. The chief clinical officer may delegate to the attending physician responsible for a patient's care the duties imposed on the chief clinical officer by this chapter. In the case of a community mental health services provider, the chief clinical officer shall be designated by the governing body of the services provider and shall be a licensed physician or licensed clinical psychologist who supervises diagnostic and treatment services. A licensed physician or licensed clinical psychologist designated by the chief clinical officer may perform the duties and accept the responsibilities of the chief clinical officer in the chief clinical officer's absence.

(L) "Working day" or "court day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday.

(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an

attorney and other necessary expenses of legal representation, including expert testimony.

(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.

(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.

(Q) "Court" means the probate division of the court of common pleas.

(R) "Expunge" means:

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;

(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;

(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;

(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of ~~mental~~ behavioral health ~~and addiction services~~ for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a

case in which a person was found guilty.

(V)(1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives.

(2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following:

(a) Community psychiatric supportive treatment;

(b) Assertive community treatment;

(c) Medications;

(d) Individual or group therapy;

(e) Peer support services;

(f) Financial services;

(g) Housing or supervised living services;

(h) Alcohol or substance abuse treatment;

(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.

(3) If the person subject to the treatment plan has

executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.

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

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

(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.

(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.

Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except when any of the following is the case:

(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient.

(B) The patient was, within the past twelve months, a defendant described in division (B)(1)(a)(v)(I) of section 2945.38 of the Revised Code and the chief clinical officer of the hospital decides not to file or cause to be filed an affidavit under section 5122.11 of the Revised Code as described in division (C) of this section. In that circumstance, the chief clinical officer shall immediately notify the trial court or prosecutor described in division (B)(1)(a)(v)(I) of section

2945.38 of the Revised Code of the chief clinical officer's decision and intent to release the patient. Not later than three court days after being notified of the intent to release, the trial court or prosecutor may file or cause to be filed with the court of the county where the patient is hospitalized, or the court of the county where the patient resides, an affidavit under section 5122.11 of the Revised Code. If such an affidavit is filed, the patient's release must be postponed until a hearing under section 5122.141 of the Revised Code is held.

(C) The chief clinical officer of the hospital, within three court days from the receipt of the request for release, files or causes to be filed with the court of the county where the patient is hospitalized or of the county where the patient is a resident, an affidavit under section 5122.11 of the Revised Code. Release may be postponed until the hearing held under section 5122.141 of the Revised Code. A telephone communication within three court days from the receipt of the request for release from the chief clinical officer to the court, indicating that the required affidavit has been mailed, is sufficient compliance with the time limit for filing such affidavit.

Unless the patient is released within three days from the receipt of the request by the chief clinical officer, the request shall serve as a request for an initial hearing under section 5122.141 of the Revised Code. If the court finds that the patient is a person with a mental illness subject to court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person.

Judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient except pursuant to this section.

Sections 5121.30 to 5121.56 of the Revised Code apply to persons received in a hospital operated by the department of ~~mental~~ behavioral health ~~and addiction services~~ on a voluntary application.

The chief clinical officer of the hospital shall provide reasonable means and arrangements for informing patients of their rights to release as provided in this section and for assisting them in making and presenting requests for release or for a hearing under section 5122.141 of the Revised Code.

Before a patient is released from a public hospital, the chief clinical officer shall, when possible, ~~notify~~ provide notice of the patient's pending release to the board of alcohol, drug addiction, and mental health services serving the patient's county of residence ~~of the patient's pending release after~~. Before the notice is given, the chief clinical officer ~~has informed~~ shall inform the patient that the board will be so notified.

Sec. 5122.10. (A)(1) Any of the following who has reason to believe that a person is a person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take the person into custody and may immediately transport the person to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of ~~mental~~ behavioral health ~~and addiction services~~ where the person may be held for the period prescribed in this section:

(a) A psychiatrist;

(b) A licensed physician;

(c) A licensed clinical psychologist;

(d) A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center;

(e) A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center;

(f) A health officer;

(g) A parole officer;

(h) A police officer;

(i) A sheriff.

(2) If the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority has reason to believe that a parolee, an offender under a community control sanction or post-release control sanction, or an offender under transitional control is a person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination, the chief or officer may take the parolee or offender into custody and may immediately transport the parolee or offender to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of ~~mental~~ behavioral health ~~and addiction services~~ where the parolee or offender may be held for the period prescribed in this section.

(B) A written statement shall be given to the hospital by the individual authorized under division (A)(1) or (2) of this section to transport the person. The statement shall specify the

circumstances under which such person was taken into custody and the reasons for the belief that the person is a person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination. This statement shall be made available to the respondent or the respondent's attorney upon request of either.

(C) Every reasonable and appropriate effort shall be made to take persons into custody in the least conspicuous manner possible. A person taking the respondent into custody pursuant to this section shall explain to the respondent: the name and professional designation and affiliation of the person taking the respondent into custody; that the custody-taking is not a criminal arrest; and that the person is being taken for examination by mental health professionals at a specified mental health facility identified by name.

(D) If a person taken into custody under this section is transported to a general hospital, the general hospital may admit the person, or provide care and treatment for the person, or both, notwithstanding section 5119.33 of the Revised Code, but by the end of twenty-four hours after arrival at the general hospital, the person shall be transferred to a hospital as defined in section 5122.01 of the Revised Code.

(E) A person transported or transferred to a hospital or community mental health services provider under this section shall be examined by the staff of the hospital or services provider within twenty-four hours after arrival at the hospital or services provider. If to conduct the examination requires that the person remain overnight, the hospital or services provider shall admit the person in an unclassified status until

making a disposition under this section. After the examination, if the chief clinical officer of the hospital or services provider believes that the person is not a person with a mental illness subject to court order, the chief clinical officer shall release or discharge the person immediately unless a court has issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code. After the examination, if the chief clinical officer believes that the person is a person with a mental illness subject to court order, the chief clinical officer may detain the person for not more than three court days following the day of the examination and during such period admit the person as a voluntary patient under section 5122.02 of the Revised Code or file an affidavit under section 5122.11 of the Revised Code. If neither action is taken and a court has not otherwise issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code, the chief clinical officer shall discharge the person at the end of the three-day period unless the person has been sentenced to the department of rehabilitation and correction and has not been released from the person's sentence, in which case the person shall be returned to that department.

Sec. 5122.15. (A) Full hearings shall be conducted in a manner consistent with this chapter and with due process of law. The hearings shall be conducted by a judge of the probate court or a referee designated by a judge of the probate court and may be conducted in or out of the county in which the respondent is held. Any referee designated under this division shall be an attorney.

(1) With the consent of the respondent, the following shall be made available to counsel for the respondent:

(a) All relevant documents, information, and evidence in the custody or control of the state or prosecutor;

(b) All relevant documents, information, and evidence in the custody or control of the hospital in which the respondent currently is held, or in which the respondent has been held pursuant to this chapter;

(c) All relevant documents, information, and evidence in the custody or control of any hospital, facility, or person not included in division (A)(1)(a) or (b) of this section.

(2) The respondent has the right to attend the hearing and to be represented by counsel of the respondent's choice. The right to attend the hearing may be waived only by the respondent or counsel for the respondent after consultation with the respondent.

(3) If the respondent is not represented by counsel, is absent from the hearing, and has not validly waived the right to counsel, the court shall appoint counsel immediately to represent the respondent at the hearing, reserving the right to tax costs of appointed counsel to the respondent, unless it is shown that the respondent is indigent. If the court appoints counsel, or if the court determines that the evidence relevant to the respondent's absence does not justify the absence, the court shall continue the case.

(4) The respondent shall be informed that the respondent may retain counsel and have independent expert evaluation. If the respondent is unable to obtain an attorney, the respondent shall be represented by court-appointed counsel. If the respondent is indigent, court-appointed counsel and independent expert evaluation shall be provided as an expense under section

5122.43 of the Revised Code.

(5) The hearing shall be closed to the public, unless counsel for the respondent, with the permission of the respondent, requests that the hearing be open to the public.

(6) If the hearing is closed to the public, the court, for good cause shown, may admit persons who have a legitimate interest in the proceedings. If the respondent, the respondent's counsel, or the designee of the director or of the chief clinical officer objects to the admission of any person, the court shall hear the objection and any opposing argument and shall rule upon the admission of the person to the hearing.

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party.

(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought.

(9) The court shall receive only reliable, competent, and material evidence.

(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code, an attorney that the board designates shall present the case demonstrating that the respondent is a person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. In proceedings pursuant to section 5120.17 or 5139.08 of the Revised Code, the attorney general

shall designate an attorney who shall present the case demonstrating that the respondent is a person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any.

(11) The respondent or the respondent's counsel has the right to subpoena witnesses and documents and to examine and cross-examine witnesses.

(12) The respondent has the right, but shall not be compelled, to testify, and shall be so advised by the court.

(13) On motion of the respondent or the respondent's counsel for good cause shown, or on the court's own motion, the court may order a continuance of the hearing.

(14) If the respondent is represented by counsel and the respondent's counsel requests a transcript and record, or if the respondent is not represented by counsel, the court shall make and maintain a full transcript and record of the proceeding. If the respondent is indigent and the transcript and record is made, a copy shall be provided to the respondent upon request and be treated as an expense under section 5122.43 of the Revised Code.

(15) To the extent not inconsistent with this chapter, the Rules of Civil Procedure are applicable.

(B) Unless, upon completion of the hearing the court finds by clear and convincing evidence that the respondent is a person with a mental illness subject to court order, it shall order the respondent's discharge immediately.

(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a person

with a mental illness subject to court order, the court shall order the respondent for a period not to exceed ninety days to any of the following:

(1) A hospital operated by the department of ~~mental~~ behavioral health ~~and addiction services~~ if the respondent is committed pursuant to section 5139.08 of the Revised Code;

(2) A nonpublic hospital;

(3) The veterans' administration or other agency of the United States government;

(4) A board of alcohol, drug addiction, and mental health services or services provider the board designates;

(5) Receive private psychiatric or psychological care and treatment;

(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. A jail or other local correctional facility is not a suitable facility.

(D) Any order made pursuant to division (C)(2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent and may include a requirement that a person or entity described in division (C)(2), (3), (5), or (6) of this section inform the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates about the progress of the respondent with the treatment plan.

(E) In determining the entity or person to which the respondent is to be committed under division (C) of this

section, the court shall consider all of the following:

(1) The respondent's diagnosis and prognosis made by a psychiatrist, licensed clinical psychologist, clinical nurse specialist who is certified as a psychiatric-mental health clinical nurse specialist by the American nurses credentialing center, or certified nurse practitioner who is certified as a psychiatric-mental health nurse practitioner by the American nurses credentialing center;

(2) The respondent's preferences;

(3) The respondent's projected treatment plan.

The court shall order the implementation of the least restrictive alternative available and consistent with treatment goals. If the court determines that the least restrictive alternative available that is consistent with treatment goals is inpatient hospitalization, the court's order shall so state.

(F) During the ninety-day period the entity or person shall examine and treat the respondent. If the respondent is receiving treatment in an outpatient setting, or receives treatment in an outpatient setting during a subsequent period of continued commitment under division (H) of this section, the entity or person to whom the respondent is committed shall determine the appropriate outpatient treatment for the respondent. If, at any time prior to the expiration of the ninety-day period, it is determined by the entity or person that the respondent's treatment needs could be equally well met in an available and appropriate less restrictive setting, both of the following apply:

(1) The respondent shall be released from the care of the entity or person immediately and shall be referred to the court

together with a report of the findings and recommendations of the entity or person;

(2) The entity or person shall notify the respondent's counsel or the attorney designated by a board of alcohol, drug addiction, and mental health services or, if the respondent was committed to a board or a services provider designated by the board, it shall place the respondent in the least restrictive setting available consistent with treatment goals and notify the court and the respondent's counsel of the placement.

The court shall dismiss the case or order placement in the least restrictive setting.

(G)(1) Except as provided in division (G)(2) of this section, any person for whom proceedings for treatment have been commenced pursuant to section 5122.11 of the Revised Code, may apply at any time for voluntary admission or treatment to the entity or person to which the person was committed. Upon admission as a voluntary patient the chief clinical officer of the entity or the person immediately shall notify the court, the patient's counsel, and the attorney designated by the board, if the attorney has entered the proceedings, in writing of that fact, and, upon receipt of the notice, the court shall dismiss the case.

(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily commit the person pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of the first ninety-day period or any subsequent period of continued commitment, there has been no disposition of the case, either by discharge or voluntary admission or treatment, the entity or person shall discharge the patient immediately, unless at least ten days before the expiration of the period the attorney the board designates or the prosecutor files with the court an application for continued commitment. The application of the attorney or the prosecutor shall include a written report containing the diagnosis, prognosis, past treatment, a list of alternative treatment settings and plans, and identification of the treatment setting that is the least restrictive consistent with treatment needs. The attorney the board designates or the prosecutor shall file the written report at least three days prior to the full hearing. A copy of the application and written report shall be provided to the respondent's counsel immediately.

The court shall hold a full hearing on applications for continued commitment at the expiration of the first ninety-day period and at least every two years after the expiration of the first ninety-day period.

Hearings following any application for continued commitment are mandatory and may not be waived.

For a respondent who is ordered to receive treatment in an outpatient setting, if at any time after the first ninety-day period the entity or person to whom the respondent was ordered determines that the respondent has demonstrated voluntary consent for treatment, that entity or person shall immediately notify the respondent, the respondent's counsel, the attorney designated by the board, and the court. The entity or person shall submit to the court a report of the findings and

recommendations. The court may dismiss the case upon review of the facts.

Upon request of a person who is involuntarily committed under this section, or the person's counsel, that is made more than one hundred eighty days after the person's last full hearing, mandatory or requested, the court shall hold a full hearing on the person's continued commitment. Upon the application of a person involuntarily committed under this section, supported by an affidavit of a psychiatrist or licensed clinical psychologist, alleging that the person no longer is a person with a mental illness subject to court order, the court for good cause shown may hold a full hearing on the person's continued commitment prior to the expiration of one hundred eighty days after the person's last full hearing. Section 5122.12 of the Revised Code applies to all hearings on continued commitment.

If the court, after a hearing for continued commitment finds by clear and convincing evidence that the respondent is a person with a mental illness subject to court order, the court may order continued commitment at places or to persons specified in division (C) of this section.

(I) Unless the admission is pursuant to section 5120.17 or 5139.08 of the Revised Code, the chief clinical officer of the entity admitting a respondent pursuant to a judicial proceeding, within ten working days of the admission, shall make a report of the admission to the board of alcohol, drug addiction, and mental health services serving the respondent's county of residence.

(J) A referee appointed by the court may make all orders that a judge may make under this section and sections 5122.11

and 5122.141 of the Revised Code, except an order of contempt of court. The orders of a referee take effect immediately. Within fourteen days of the making of an order by a referee, a party may file written objections to the order with the court. The filed objections shall be considered a motion, shall be specific, and shall state their grounds with particularity. Within ten days of the filing of the objections, a judge of the court shall hold a hearing on the objections and may hear and consider any testimony or other evidence relating to the respondent's mental condition. At the conclusion of the hearing, the judge may ratify, rescind, or modify the referee's order.

(K) An order of the court under division (C), (H), or (J) of this section is a final order.

(L) Before a board, or a services provider the board designates, may place an unconsenting respondent in an inpatient setting from a less restrictive placement, the board or services provider shall do all of the following:

(1) Determine that the respondent is in immediate need of treatment in an inpatient setting because the respondent represents a substantial risk of physical harm to the respondent or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on the next court day, file with the court a motion for transfer to an inpatient setting or communicate to the court by telephone that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is made to take the respondent to the inpatient setting in the least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and

the respondent's attorney.

At the respondent's request, the court shall hold a hearing on the motion and make a determination pursuant to division (E) of this section within five days of the placement.

(M) Before a board, or a services provider the board designates, may move a respondent from one residential placement to another, the board or services provider shall consult with the respondent about the placement. If the respondent objects to the placement, the proposed placement and the need for it shall be reviewed by a qualified mental health professional who otherwise is not involved in the treatment of the respondent.

(N) The entity or person to whom the respondent was ordered for treatment in an outpatient setting may submit a report to the court indicating that the respondent has either failed to comply with the treatment plan or begun to demonstrate signs of decompensation that may be grounds for hospitalization. On receipt of the report, the court shall promptly schedule a hearing to review the case. The court shall conduct the hearing in a manner consistent with this chapter and due process of law. The board shall receive notice of the hearing and the board and entity or person treating the respondent shall submit a report to the court with a plan for appropriate alternative treatment, if any, or recommend that the court discontinue the court-ordered treatment. The court shall consider available and appropriate alternative placements but shall not impose criminal sanctions that result in confinement in a jail or other local correctional facility based on the respondent's failure to comply with the treatment plan. The court may not order the respondent to a more restrictive placement unless the criteria specified in division (L) of this section are met and may not

order the respondent to an inpatient setting unless the court determines by clear and convincing evidence presented by the board that the respondent meets the criteria specified in divisions (A) and (B)(1), (2), (3), or (4) of section 5122.01 of the Revised Code.

Sec. 5122.20. The director of ~~mental~~ behavioral health ~~and addiction services~~ or the director's designee may transfer, or authorize the transfer of, an involuntary patient, or a consenting voluntary patient hospitalized pursuant to section 5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from one public hospital to another, or to a hospital, community mental health services provider, or other facility offering treatment or other services for mental illness, if the medical director of the department of ~~mental~~ behavioral health ~~and addiction services~~ determines that it would be consistent with the medical needs of the patient to do so. If such a transfer is made to a private facility, the transfer shall be conditioned upon the consent of the facility.

Before an involuntary patient may be transferred to a more restrictive setting, the chief clinical officer shall file a motion with the court requesting the court to amend its order of placement issued under section 5122.15 of the Revised Code. At the patient's request, the court shall hold a hearing on the motion at which the patient has the same rights as at a full hearing under section 5122.15 of the Revised Code. The hearing shall be held within ten days after the date on which the respondent was transferred to the more restrictive setting or on which the motion was filed, whichever is earlier. On the motion of the respondent, the respondent's counsel, or the chief clinical officer, or on its own motion, and for good cause shown, the court may order a continuance of the hearing for up

to ten days.

Whenever an involuntary patient is transferred, written notice of the transfer shall be given to the patient's legal guardian, parents, spouse, and counsel, or, if none is known, to the patient's nearest known relative or friend. If the patient is a minor, the department, before making such a transfer, shall make a minute of the order for the transfer and the reason for it upon its record and shall send a certified copy at least seven days prior to the transfer to the person shown by its record to have had the care or custody of the minor immediately prior to the minor's commitment. Whenever a consenting voluntary patient is transferred, the notification shall be given only at the patient's request. The chief clinical officer shall advise a voluntary patient who is being transferred that the patient may decide if the notification shall be given. In all such transfers, due consideration shall be given to the wishes of the patient, and the relationship of the patient to the patient's family, legal guardian, or friends, so as to maintain the relationship and encourage visits beneficial to the patient.

When a voluntary patient whose medical or psychological needs are found by the chief clinical officer to warrant a transfer refuses to be transferred to an alternate facility, the chief clinical officer may file an affidavit for a hearing under section 5122.11 of the Revised Code.

Sec. 5122.21. (A) The chief clinical officer shall as frequently as practicable, and at least once every thirty days, examine or cause to be examined every patient, and, whenever the chief clinical officer determines that the conditions justifying involuntary hospitalization or commitment no longer obtain, shall discharge the patient not under indictment or conviction

for crime and immediately make a report of the discharge to the department of ~~mental~~ behavioral health ~~and addiction services~~. The chief clinical officer may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole ten days after written notice of intent to discharge the patient has been given by personal service or certified mail, return receipt requested, to the court having criminal jurisdiction over the patient. Except when the patient was found not guilty by reason of insanity and the defendant's commitment is pursuant to section 2945.40 of the Revised Code, the chief clinical officer has final authority to discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole.

(B) After a finding pursuant to section 5122.15 of the Revised Code that a person is a person with a mental illness subject to court order, the chief clinical officer of the hospital or community mental health services provider to which the person is ordered or to which the person is transferred under section 5122.20 of the Revised Code, may grant a discharge without the consent or authorization of any court.

Upon discharge, the chief clinical officer shall notify the court that caused the judicial hospitalization of the discharge from the hospital.

Sec. 5122.23. The chief clinical officer of a public hospital shall immediately report to the department of ~~mental~~ behavioral health ~~and addiction services~~ and the board of alcohol, drug addiction, and mental health services serving the patient's county of residence the removal, death, escape, discharge, or trial visit of any patient hospitalized under

section 5122.15 of the Revised Code, or the return of such an escaped or visiting patient to the department, the probate judge of the county from which such patient was hospitalized, and the probate judge of the county of residence of such patient. In case of death, the chief clinical officer also shall notify one or more of the nearest relatives of the deceased patient, if known to the chief clinical officer, by letter, telegram, or telephone. If the place of residence of such relative is unknown to the chief clinical officer, immediately upon receiving notification the probate judge shall in the speediest manner possible notify such relatives, if known to the probate judge.

The chief clinical officer of a public hospital, upon the request of the probate judge of the county from which a patient was hospitalized or the probate judge of the county of residence of such a patient, shall make a report to the judge of the condition of any patient under the care, treatment, custody, or control of the chief clinical officer.

Sec. 5122.26. (A) If a patient is absent without leave, on a verbal or written order issued within five days of the time of the unauthorized absence by the department of ~~mental~~ behavioral health ~~and addiction services~~, the chief clinical officer of the hospital from which the patient is absent without leave, or the court of either the county from which the patient was committed or in which the patient is found, any health or police officer or sheriff may take the patient into custody and transport the patient to the hospital in which the patient was hospitalized or to a place that is designated in the order. The officer immediately shall report such fact to the entity that issued the order.

The chief clinical officer of a hospital may discharge a

patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the court with criminal jurisdiction over the patient. The chief clinical officer of a hospital may discharge any other patient who has been absent without leave for more than fourteen days.

The chief clinical officer shall take all proper measures for the apprehension of an escaped patient. The expense of the return of an escaped patient shall be borne by the hospital where the patient is hospitalized.

(B)(1) Subject to division (B)(2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B)(1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter shall:

(A) Receive, within twenty days of their admission sufficient professional care to assure that an evaluation of current status, differential diagnosis, probable prognosis, and description of the current treatment plan is stated on the official chart;

(B) Have a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals which shall be provided, upon request of the patient or patient's counsel, to the patient's counsel and to any private physician or licensed clinical psychologist designated by the patient or the patient's counsel or to the Ohio protection and advocacy system;

(C) Receive treatment consistent with the treatment plan. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall set standards for treatment provided to such patients, consistent wherever possible with standards set by the joint commission.

(D) Receive periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed ninety days;

(E) Be provided with adequate medical treatment for physical disease or injury;

(F) Receive humane care and treatment, including without limitation, the following:

(1) The least restrictive environment consistent with the treatment plan;

(2) The necessary facilities and personnel required by the treatment plan;

(3) A humane psychological and physical environment;

(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;

(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;

(6) The right to be free from unnecessary or excessive medication;

(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.

If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of ~~mental~~ behavioral health ~~and addiction services~~, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health services provider, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a person with a mental illness subject to court order under division (B)(4) of section 5122.01 of the Revised Code shall

automatically be terminated.

Sec. 5122.31. (A) All certificates, applications, records, and reports made for the purpose of this chapter and sections 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, other than court journal entries or court docket entries, and directly or indirectly identifying a patient or former patient or person whose hospitalization or commitment has been sought under this chapter, shall be kept confidential and shall not be disclosed by any person except:

(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial records and by the chief clinical officer for medical records;

(2) When disclosure is provided for in this chapter or Chapters 340. or 5119. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, and community mental health services providers may release necessary medical information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the patient;

(4) Pursuant to a court order signed by a judge;

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for

clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of ~~mental~~ behavioral health ~~and addiction services~~ may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(7) That hospitals within the department and other institutions and facilities within the department may exchange psychiatric records and other pertinent information with payers and other providers of treatment, health services, and recovery supports if the purpose of the exchange is to facilitate continuity of care for a patient or for the emergency treatment of an individual;

(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the information and does not object to the

disclosure.

(9) That community mental health services providers may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other services providers in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(10) That information may be disclosed to the executor or the administrator of an estate of a deceased patient when the information is necessary to administer the estate;

(11) That records in the possession of the Ohio history connection may be released to the closest living relative of a deceased patient upon request of that relative;

(12) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

(13) That the department of ~~mental~~ behavioral health ~~and addiction services~~ may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving

mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

(14) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

Sec. 5122.32. (A) As used in this section:

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of ~~mental~~

behavioral health ~~and addiction services~~ by the director of ~~mental~~ behavioral health ~~and addiction services~~, a committee of a hospital or community setting program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program within the department of ~~mental~~ behavioral health ~~and addiction services~~ to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving or administering medical and mental health services within the department and its hospitals and community setting programs, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of medical and mental health services within the department and its hospitals and community setting programs. "Quality assurance program" includes the central office quality assurance committees, morbidity and mortality review committees, quality assurance programs of community setting programs, quality assurance committees of hospitals operated by the department of ~~mental~~ behavioral health ~~and addiction services~~, and the office of licensure and certification of the department.

(3) "Quality assurance program activities" include collecting or compiling information and reports required by a quality assurance committee, receiving, reviewing, or implementing the recommendations made by a quality assurance committee, and credentialing, privileging, infection control, tissue review, peer review, utilization review including access to patient care records, patient care assessment records, and medical and mental health records, medical and mental health resource management, mortality and morbidity review, and

identification and prevention of medical or mental health incidents and risks, whether performed by a quality assurance committee or by persons who are directed by a quality assurance committee.

(4) "Quality assurance records" means the proceedings, discussion, records, findings, recommendations, evaluations, opinions, minutes, reports, and other documents or actions that emanate from quality assurance committees, quality assurance programs, or quality assurance program activities. "Quality assurance records" does not include aggregate statistical information that does not disclose the identity of persons receiving or providing medical or mental health services in department of ~~mental~~ behavioral health ~~and addiction services~~ hospitals or community setting programs.

(B)(1) Except as provided in division (E) of this section, quality assurance records are confidential and are not public records under section 149.43 of the Revised Code, and shall be used only in the course of the proper functions of a quality assurance program.

(2) Except as provided in division (E) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity.

(C)(1) Except as provided in division (E) of this section, no quality assurance record shall be subject to discovery, and is not admissible in evidence, in any judicial or administrative proceeding.

(2) Except as provided in division (E) of this section, no

member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental~~ behavioral health ~~and addiction services~~ shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the

scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities:

(1) Persons who are employed or retained by the department of ~~mental~~ behavioral health ~~and addiction services~~ and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of ~~mental~~ behavioral health ~~and addiction services~~ hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law.

(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records.

(G) Nothing in this section shall limit the access of the Ohio protection and advocacy system to records or personnel as required under section 5123.601 of the Revised Code. Nothing in this section shall limit the admissibility of documentary or testimonial evidence in an action brought by the Ohio protection and advocacy system in its own name or on behalf of a client.

Sec. 5122.33. The department of ~~mental~~ behavioral health

~~and addiction services~~ may prescribe the form of applications, reports, records, and medical certificates provided for under this chapter, and the information required to be contained therein; require reports from the chief clinical officer of any public hospital relating to the admission, examination, diagnosis, release, or discharge of any patient; visit each such hospital regularly to review the admission procedures of all new patients admitted between visits; investigate by personal visit complaints made by any patient or by any person on behalf of a patient; and adopt such rules as are reasonably necessary to effectuate the provisions of this chapter.

Sec. 5122.341. (A) As used in this section:

(1) "Facility or provider" means, in the context of a person committed to the department of ~~mental~~ behavioral health ~~and addiction services~~ under sections 2945.37 to 2945.402 of the Revised Code, any entity in which the department of ~~mental~~ behavioral health ~~and addiction services~~ places such a person.

(2) "Person committed to the department" means a person committed to the department of ~~mental~~ behavioral health ~~and addiction services~~ under sections 2945.37 to 2945.402 of the Revised Code.

(B) No member of a board of directors, or employee, of a facility or provider in which the department of ~~mental~~ behavioral health ~~and addiction services~~ places a person committed to the department is liable for injury or damages caused by any action or inaction taken within the scope of the board member's official duties or employee's employment relating to the commitment of, and services provided to, the person committed to the department, unless the action or inaction constitutes willful or wanton misconduct. A board member's or

employee's action or inaction does not constitute willful or wanton misconduct if the board member or employee acted in good faith and reasonably under the circumstances and with the knowledge reasonably attributable to the board member or employee.

The immunity from liability conferred by this section is in addition to and not in limitation of any immunity conferred by any other section of the Revised Code or by judicial precedent.

Sec. 5122.36. If the legal residence of a person with a mental illness is in another county of the state, the necessary expense of the person's return is a proper charge against the county of legal residence. If an adjudication and order of hospitalization by the probate court of the county of temporary residence are required, the regular probate court fees and expenses incident to the order of hospitalization under this chapter and any other expense incurred on the person's behalf shall be charged to and paid by the county of the person's legal residence upon the approval and certification of the probate judge of the county of the person's legal residence. The ordering court shall send to the probate court of the person's county of legal residence a certified copy of the commitment order from the ordering court. The receiving court shall enter and record the commitment order. The certified commitment order is prima facie evidence of the residence of the person. When the residence of the person cannot be established as represented by the ordering court, the matter of residence shall be referred to the department of ~~mental~~ behavioral health ~~and addiction services~~ for investigation and determination.

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of

the Revised Code:

(A) "Compilation" means a written list of the following information, as the department of ~~mental~~ behavioral health ~~and addiction services~~ is able to reasonably ascertain, for every patient who was buried, entombed, or inurned prior to March 31, 2005, in a cemetery located on the grounds of or adjacent to the grounds of a public hospital:

(1) Name;

(2) Date of birth;

(3) Date of death or burial;

(4) Specific physical location of the burial, entombment, or inurnment, including the plot or grave site number if available.

(B) "Patient" means an individual who died while admitted to a public hospital that was under the control of the department of ~~mental~~ behavioral health ~~and addiction services~~.

(C) "Record" has the same meaning as in section 149.011 of the Revised Code.

(D) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government.

Sec. 5122.45. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall create a separate compilation for each cemetery located on the grounds of or adjacent to the grounds of a public hospital that is under the control of the department on March 31, 2005. The compilation shall be created within a reasonable time not exceeding three years after March 31, 2005. The department shall use its best efforts to create

the most complete compilations possible using records in the department's possession and records obtained in accordance with section 5122.46 of the Revised Code.

Sec. 5122.46. The Ohio history connection and each state agency shall, at the request of the department of ~~mental~~ behavioral health ~~and addiction services~~, provide the department access to records and information in the possession of the Ohio history connection or state agency for purposes of creating compilations.

Sec. 5122.47. The department of ~~mental~~ behavioral health ~~and addiction services~~ shall deposit a copy of each compilation with the Ohio history connection and the state library as soon as a compilation is completed. The department shall not disclose any record or information used to create a compilation except as provided in sections 149.43 and 5122.31 of the Revised Code.

Sec. 5123.081. (A) As used in this section:

(1)(a) "Applicant" means any of the following:

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person who is being transferred to the department or a county board;

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;

(iv) A person under final consideration for a direct services position with a provider or subcontractor.

(b) Neither of the following is an applicant:

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;

(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only

respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person.

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

(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:

(a) The department of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the department.

(b) A county board of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the county board.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;

(ii) A person who is an employee because the person is employed in a direct services position by the provider.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;

(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of

developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the

applicant's failure to provide the notification may result in termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section require an employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant or employee presents proof that the applicant or employee has been a resident of this state for that five-year period, the responsible entity may request that the superintendent include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant or employee may provide proof of residency in this state by presenting, with a ~~notarized~~ statement asserting that the applicant or employee has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's or employee's permanent residence,

or any other document the responsible entity considers acceptable.

(2) A responsible entity shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested.

(3) Any applicant or employee who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of the standard impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of the applicant's or employee's fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the standard impression sheet with the impressions of the applicant's or employee's fingerprints.

(4) A responsible entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section.

(E) A responsible entity may request any other state or federal agency to supply the responsible entity with a written report regarding the criminal record of an applicant or employee. If an employee holds an occupational or professional license or other credentials, the responsible entity may request that the state or federal agency that regulates the employee's occupation or profession supply the responsible entity with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials. The responsible entity may consider the reports when determining whether to employ the applicant or to continue to employ the employee.

(F) As a condition of employing an applicant in a position for which a criminal records check is required by this section and that involves transporting individuals with developmental disabilities or operating a responsible entity's vehicles for any purpose, the responsible entity shall obtain the applicant's driving record from the bureau of motor vehicles. If rules adopted under this section require a responsible entity to obtain an employee's driving record, the responsible entity shall obtain the employee's driving record from the bureau at times specified in the rules as a condition of continuing to employ the employee. The responsible entity may consider the applicant's or employee's driving record when determining whether to employ the applicant or to continue to employ the employee.

(G) A responsible entity may employ an applicant conditionally pending receipt of a report regarding the applicant requested under this section. The responsible entity shall request the report before employing the applicant

conditionally. The responsible entity shall terminate the applicant's employment if it is determined from a report that the applicant failed to inform the responsible entity that the applicant had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(H) A responsible entity may charge an applicant a fee for costs the responsible entity incurs in obtaining a report regarding the applicant under this section if the responsible entity notifies the applicant of the amount of the fee at the time of the applicant's initial application for employment and that, unless the fee is paid, the responsible entity will not consider the applicant for employment. The fee shall not exceed the amount of the fee, if any, the responsible entity pays for the report.

(I)(1) Any report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant or employee who is the subject of the report or the applicant's or employee's representative;

(b) The responsible entity that requested the report or its representative;

(c) The department if a county board, provider, or subcontractor is the responsible entity that requested the report and the department requests the responsible entity to provide a copy of the report to the department;

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county

board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of employment to the applicant or employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo criminal records checks under this section;

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do all of the following:

(a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;

(b) Specify circumstances under which a responsible entity may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director;

(c) Require a responsible entity to request a criminal records check under this section before employing an applicant conditionally as permitted under division (G) of this section.

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1611~~

5123.1613 of the Revised Code:

(1) "Applicant" means any of the following:

(a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living;

(b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;

(c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider;

(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.

(2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.

(6) "Provider" means a person or government entity

certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.

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

(8) "Related party" means any of the following:

(a) In the case of a provider who is an individual, any of the following:

(i) The spouse of the provider;

(ii) A parent or stepparent of the provider or provider's spouse;

(iii) A child of the provider or provider's spouse;

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;

(v) A grandparent of the provider or provider's spouse;

(vi) A grandchild of the provider or provider's spouse.

(b) In the case of a provider that is a person other than an individual, any of the following:

(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal

Revenue Code form W-2 for the provider;

(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;

(iii) A member of the provider's board of directors or trustees;

(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;

(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;

(vi) A person over which the provider has control of the day-to-day operation;

(vii) A corporation that has a subsidiary relationship with the provider.

(c) In the case of a provider that is a government entity, any of the following:

(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;

(ii) An officer of the provider;

(iii) A member of the provider's governing board;

(iv) A person or government entity over which the provider has control of the day-to-day operation.

(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.

(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1611 of the Revised Code.

Sec. 5123.166. (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section 5123.1611 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one or more of the following actions be taken against a person or government entity seeking or holding a supported living certificate:

(1) Refusal to issue or renew a supported living certificate;

(2) Revocation of a supported living certificate;

(3) Suspension of a supported living certificate holder's authority to do any of the following:

(a) Continue to provide supported living to one or more individuals who receive supported living from the certificate holder at the time the director takes the action;

(b) Begin to provide supported living to one or more individuals who do not receive supported living from the certificate holder at the time the director takes the action;

(c) Expand or add supported living services to one or more individuals who receive supported living from the certificate

holder at the time the director takes action.

(B) The following constitute good cause for taking action under division (A) of this section against a person or government entity seeking or holding a supported living certificate:

(1) The person or government entity's failure to meet or continue to meet the applicable certification standards established in rules adopted under section 5123.1611 of the Revised Code;

(2) The person or government entity violates section 5123.165 of the Revised Code;

(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code;

(4) Misfeasance;

(5) Malfeasance;

(6) Nonfeasance;

(7) Confirmed abuse or neglect;

(8) Financial irresponsibility;

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.

(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.

(D)(1) The director may issue an order requiring that

action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards~~;~~.

(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider.

(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case:

(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider.

(ii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5126.31 of the Revised Code.

(2) If the director issues an order under division (D)(1)

of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider written notice of the order ~~by certified mail, return receipt requested,~~ not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it in writing within ten days of the time of receiving the notice.

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. If the provider's written request for a hearing includes a request that the hearing be held not later than thirty days after the director receives the provider's timely request for the hearing, the date set for the hearing by the director shall be within thirty days.

(c) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the provider and director agree to.

(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the

transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take.

(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation.

(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record.

(3) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director.

(4) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case:

(a) The provider provides the director a plan of compliance the director determines is acceptable.

(b) The director determines that the provider has

implemented the plan of compliance correctly.

Sec. 5123.168. The director of developmental disabilities ~~may issue an adjudication order in accordance with Chapter 119. of the Revised Code to~~ shall terminate a supported living certificate if the certificate holder has not billed for supported living for ~~twelve~~ twenty-four consecutive months. To terminate a supported living certificate under this section, the director shall send a notice by regular mail to the certificate holder at the address on file with the department of developmental disabilities explaining why the certificate is terminated.

Sec. 5123.169. (A) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the following applies:

(1) The applicant fails to comply with division (C)(2) of this section;

(2) Except as provided in rules adopted under section 5123.1611 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the

applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code.

(C)(1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an applicant shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If an applicant does not present proof to the director that the applicant has been a resident of this state for the five-year period immediately prior to the date that the applicant applies for issuance or renewal of the supported living certificate, the director shall require the applicant to request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant presents proof to the director that the applicant has been a resident of this state for that five-year period, the director may require the applicant to request that the superintendent include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant may provide proof of residency in this state by presenting, with a ~~notarized~~ statement asserting that the applicant has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the

applicant's permanent residence, or any other document the director considers acceptable.

(2) Each applicant shall do all of the following:

(a) Obtain a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code;

(b) Complete the form and provide the applicant's fingerprint impressions on the standard impression sheet;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested;

(d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director;

(e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section.

(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate.

(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's

driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate.

(F)(1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant who is the subject of the report or the applicant's representative;

(b) The director or the director's representative;

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of a supported living certificate or refusal to renew a supported living certificate;

(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program.

(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies

of the reports to the persons or entities specified.

(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.

(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.

Sec. 5123.1613. (A) A person who has been granted guardianship of an individual with a developmental disability shall not provide supported living to that individual either as an independent provider or as an employee or contractor of a supported living certificate holder unless there is a relationship by blood, adoption, or marriage between the guardian and the individual.

(B) A supported living certificate holder owned or operated by a guardian of an individual with a developmental disability shall not provide supported living to that individual unless there is a relationship by blood, adoption, or marriage between the guardian and the individual.

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:

(1) "Independent living arrangement" means an arrangement in which an individual with a developmental disability resides in an individualized setting chosen by the individual or the individual's guardian, which is not dedicated principally to the provision of residential services for individuals with developmental disabilities, and for which no financial support

is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living;

(v) A location registered as a pediatric transition care program under section 3712.042 of the Revised Code.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division (B)(1)(b) of section 5119.34 of the Revised Code.

(C)(1) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions:

(a) The residential facility will be certified as an ICF/IID;

(b) The building in which the residential facility will be

operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a new license;

(c) The former operator of the residential facility relocated the beds previously in the facility to another site that will be licensed as a residential facility;

(d) The residential facility will be located in Preble, Clermont, or Warren county;

(e) The residential facility will contain eight beds;

(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section.

(3) The director shall issue not more than five licenses under division (C)(2) of this section.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a

license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the

deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be ~~sent, by certified mail,~~provided to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities.

The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility;

(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;

(8) Other standards for the operation of residential facilities and the services provided at residential facilities;

(9) Procedures for waiving any provision of any rule adopted under this section.

(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which

application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section.

(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey.

(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

(a) Specify a date by which the licensee may appeal any of the citations;

(b) When appropriate, specify a timetable within which the licensee must submit a plan of correction describing how the problems specified in the citations will be corrected and, the date by which the licensee anticipates the problems will be corrected.

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division (H)(3) of this section with the notice of the proposed revocation the director sends to the licensee. In this circumstance, the licensee may not submit a plan of correction.

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(J)(1) A licensee shall notify the owner of the building

in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

(2) Pursuant to rules, which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised Code and shall advise the applicant within sixty days of the notification that the current license shall continue in effect or a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(3) A licensee shall transfer to the new licensee or management contractor all records related to the residents of the facility following any significant change in the identity of the licensee or management contractor.

(K) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall state the facts constituting the basis of the allegation. The department shall

not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(L) Before issuing a license under this section to a residential facility that will accommodate at any time more than one individual with a developmental disability, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance.

Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any

notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license.

(M) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight individuals with developmental disabilities as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. These residential facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(N) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen individuals with developmental disabilities as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned unit development districts may exclude these residential facilities from those districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate these residential facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(Q)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.

(b) The director determines that the issuance of an

interim license is necessary to meet a temporary need for a residential facility.

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred eighty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(R) Notwithstanding rules adopted pursuant to this section establishing the maximum number of individuals who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of individuals being served by the facility on the effective date of the rules or the number of individuals for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986.

This division does not preclude the department from suspending new admissions to a residential facility pursuant to a written order issued under section 5124.70 of the Revised Code.

(S) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has

been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.191. (A) The court of common pleas or a judge thereof in the judge's county, or the probate court, may appoint a receiver to take possession of and operate a residential facility licensed by the department of developmental disabilities, in causes pending in such courts respectively, when conditions existing at the facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents. Conditions at the facility that may present such risk of harm include, but are not limited to, instances when any of the following occur:

(1) The residential facility is in violation of state or federal law or regulations.

(2) The facility has had its license revoked or procedures for revocation have been initiated, or the facility is closing or intends to cease operations.

(3) Arrangements for relocating residents need to be made.

(4) Insolvency of the operator, licensee, or landowner threatens the operation of the facility.

(5) The facility or operator has demonstrated a pattern and practice of repeated violations of state or federal laws or regulations.

(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility and the department of developmental disabilities of the filing. The court shall order the department to notify the facility owner, facility operator, county board of developmental disabilities, facility residents, and residents' parents and guardians of the filing of the petition.

The court shall provide a hearing on the petition within five court days of the time it was filed, except that the court may appoint a receiver prior to that time if it determines that the circumstances necessitate such action. Following a hearing on the petition, and upon a determination that the appointment of a receiver is warranted, the court shall appoint a receiver and notify the department of developmental disabilities and appropriate persons of this action.

(C) A residential facility for which a receiver has been named is deemed to be in compliance with section 5123.19 and Chapter 3721. of the Revised Code for the duration of the receivership.

(D) When the operating revenue of a residential facility in receivership is insufficient to meet its operating expenses, including the cost of bringing the facility into compliance with state or federal laws or regulations, the court may order the

state to provide necessary funding, except as provided in division (K) of this section. The state shall provide such funding, subject to the approval of the controlling board. The court may also order the appropriate authorities to expedite all inspections necessary for the issuance of licenses or the certification of a facility, and order a facility to be closed if it determines that reasonable efforts cannot bring the facility into substantial compliance with the law.

(E) In establishing a receivership, the court shall set forth the powers and duties of the receiver. The court may generally authorize the receiver to do all that is prudent and necessary to safely and efficiently operate the residential facility within the requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver it has appointed and shall require regular and detailed reports. The receivership shall be reviewed at least every sixty days.

(F) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the following:

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility.

(2) Circumstances no longer exist at the facility that present a substantial risk of physical or mental harm to residents, and there is no deficiency in the facility that is likely to create a future risk of harm.

Notwithstanding division (F)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of developmental disabilities.

(G) The department of developmental disabilities may, upon its own initiative or at the request of an owner, operator, or resident of a residential facility, or at the request of a resident's guardian or relative or a county board of developmental disabilities, petition the court to appoint a receiver to take possession of and operate a residential facility. When the department has been requested to file a petition by any of the parties listed above, it shall, within forty-eight hours of such request, either file such a petition or notify the requesting party of its decision not to file. If the department refuses to file, the requesting party may file a petition with the court requesting the appointment of a receiver to take possession of and operate a residential facility.

Petitions filed pursuant to this division shall include the following:

(1) A description of the specific conditions existing at the facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not

been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the facility as a pattern or practice;

(5) The name and address of the person holding the license for the facility and the address of the department of developmental disabilities.

The court may award to an operator appropriate costs and expenses, including reasonable attorney's fees, if it determines that a petitioner has initiated a proceeding in bad faith or merely for the purpose of harassing or embarrassing the operator.

(H) Except for the department of developmental disabilities or a county board of developmental disabilities, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of developmental disabilities shall maintain a list of the names of such persons. The director shall, in accordance with Chapter 119. of the Revised Code, establish standards for evaluating persons desiring to be included on such a list.

(I) Before a receiver enters upon the duties of that person, the receiver must be sworn to perform the duties of receiver faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the effect that such receiver will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

(J) Under the control of the appointing court, a receiver

may bring and defend actions in the receiver's own name as receiver and take and keep possession of property.

The court shall authorize the receiver to do the following:

(1) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;

(2) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession and continues to use, subject to the following conditions:

(a) In the case of a rental agreement, only to the extent of payments that are for the use of the property during the period of the receivership;

(b) In the case of a purchase agreement only to the extent of payments that come due during the period of the receivership.

(3) If transfer of residents is necessary, provide for the orderly transfer of residents by doing the following:

(a) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(b) Providing for the transportation of residents' belongings and records;

(c) Helping to locate alternative placements and develop discharge plans;

(d) Preparing residents for the trauma of discharge;

(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary.

(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents;

(5) Compromise demands or claims;

(6) Generally do such acts respecting the residential facility as the court authorizes.

(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.

(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid.

(M) The department of developmental disabilities, the department of ~~job and family services~~children and youth, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.

Sec. 5123.36. (A) To the extent funds are available and on application by a county board of developmental disabilities or private nonprofit agency incorporated to provide developmental disability services, the director of developmental disabilities

may enter into an agreement with the county board or agency to assist the county board or agency with a developmental disability construction project. Except as provided by division (B) of this section, the director may provide up to ninety per cent of the total project cost where circumstances warrant. The director may, where circumstances warrant, use existing facilities or other in-kind match for the local share of the communities' share of the cost.

(B) Upon the recommendation of the director, for projects of the highest priority of the department of developmental disabilities, the controlling board may authorize the director to provide more than ninety per cent of the total cost of a project under this section.

(C) A county board is eligible for funds under this section for a project bid on or after January 1, 1992, under either section 153.07 or 307.86 of the Revised Code, as long as all other applicable requirements were followed.

(D) A private nonprofit agency that receives funds pursuant to this section for the construction of a single-family home, including, where appropriate, the acquisition and installation of a single-family home fabricated in an off-site facility, is not subject to the requirements of Chapter 153. of the Revised Code with respect to the construction project, notwithstanding any provision of that chapter to the contrary.

~~(E) The director may not assist a project under this section unless the controlling board or director of budget and management also approves the project pursuant to section 126.14 of the Revised Code.~~

Sec. 5123.38. ~~(A)~~ (A)(1) Except as provided in division (B)

of this section, if an individual is committed to a state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board of developmental disabilities of the county from which the individual was ordered institutionalized is responsible for the nonfederal share of medicaid expenditures for the individual's care in the state-operated ICF/IID.

(2) The director of developmental disabilities shall annually establish a methodology for determining the amount to be collected from the county board for the estimated nonfederal share of medicaid expenditures. The department of developmental disabilities shall collect the amount of the nonfederal share from the county board by either withholding that amount from funds the department has otherwise allocated to the county board or submitting an invoice for payment of that amount to the county board.

(B) Division (A) of this section does not apply ~~under either of the following circumstances:~~

~~(1) Not later than one hundred eighty days after the date of the commitment of an individual, the county board arranges for the provision of alternative services for the individual, and the individual is discharged from the ICF/IID.~~

~~(2) The~~ if the director of developmental disabilities, after determining that circumstances warrant granting a waiver in an individual's case, grants the county board a waiver that exempts the county board from responsibility for the nonfederal share for that case. The exemption may waive the collection of either the full amount or a portion of the estimated nonfederal share of medicaid expenditures.

Sec. 5123.41. As used in this section and sections 5123.42 to 5123.47 of the Revised Code:

(A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.

(B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code.

(C) "Drug" has the same meaning as in section 4729.01 of the Revised Code.

(D) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of an individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

(E) "Family support services" has the same meaning as in section 5126.01 of the Revised Code.

~~(E)~~ (F) "Health-related activities" means the following:

(1) Taking vital signs;

(2) Application of clean dressings that do not require health assessment;

(3) Basic measurement of bodily intake and output;

(4) Oral suctioning;

(5) Use of glucometers;

(6) External urinary catheter cleaning;

(7) Emptying and replacing ostomy bags;

(8) Collection of specimens by noninvasive means;

(9) Pulse oximetry reading;

(10) Use of continuous positive airway pressure machines;

(11) Application of percussion vests;

(12) Use of cough assist devices and insufflators;

(13) Application of prescribed compression hosiery.

~~(F)~~ (G) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

~~(G)~~ (H) "Metered dose inhaled medication" means a premeasured medication administered by inhalation using a hand-held dispenser or aerosol nebulizer.

~~(H)~~ (I) "Developmental disabilities personnel" means the employees and the workers under contract who provide specialized services to individuals with developmental disabilities. "Developmental disabilities personnel" includes those who provide the services as follows:

(1) Through direct employment with the department of developmental disabilities or a county board of developmental disabilities;

(2) Through an entity under contract with the department of developmental disabilities or a county board of developmental disabilities;

(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities.

~~(I)~~ (J) "Nursing delegation" means the process established

in rules adopted by the board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed practical nurse acting at the direction of a registered nurse transfers the performance of a particular nursing activity or task to another person who is not otherwise authorized to perform the activity or task.

~~(J)~~ (K) "Over-the-counter medication" means a drug that may be sold and purchased without a prescription.

~~(K)~~ (L) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs.

~~(L)~~ (M) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code.

~~(M)~~ (N) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code.

~~(N)~~ (O) "Topical over-the-counter musculoskeletal medication" means an over-the-counter medication that is applied topically or passes through the skin to provide relief from discomfort in the muscles, joints, or bones.

Sec. 5123.42. (A) Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to administer medications or perform health-related activities may do so pursuant to this section as part of the specialized services the developmental disabilities personnel provide to individuals with developmental disabilities in the following categories:

(1) Recipients of early intervention, preschool, and school-age services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(2) Recipients of adult services, if the services are received in a setting where seventeen or more individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(3) Recipients of adult services, if the services are received in a setting where not more than sixteen individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(4) Recipients of family support services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(5) Recipients of services from certified supported living providers, if the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(6) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(7) Recipients of services not included in divisions (A)(1) to (6) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(8) Residents of a residential facility with not more than five resident beds;

(9) Residents of a residential facility with at least six resident beds.

(B)(1) In the case of individuals described in divisions

(A)(1) to (9) of this section, developmental disabilities personnel may do all of the following without nursing delegation and without a certificate issued under section 5123.45 of the Revised Code:

(a) Activate a ~~vagal~~ vagus nerve stimulator;

(b) ~~Use an epinephrine autoinjector to~~ To treat anaphylaxis, administer prescribed epinephrine either by autoinjector or intranasally;

(c) Administer topical over-the-counter medications for the purpose of cleaning, protecting, or comforting the skin, hair, nails, teeth, or oral surfaces, but not for the purpose of treating an open wound or a condition that requires a medical diagnosis, including a fungal infection.

(2) The authority of developmental disabilities personnel to ~~activate a vagal nerve stimulator, use an epinephrine autoinjector, and~~ perform the health-related activity or administer ~~topical over-the-counter~~ the medications described in division (B)(1) of this section is subject to all of the following:

(a) ~~To activate a vagal nerve stimulator or use an epinephrine autoinjector, developmental~~ Developmental disabilities personnel shall successfully complete the training course or courses developed under section 5123.43 of the Revised Code for developmental disabilities personnel. Developmental disabilities personnel shall ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~ perform the health-related activity or administer the medications described in division (B)(1) of this section only as authorized by the training completed.

(b) The employer of developmental disabilities personnel shall ensure that the personnel have been trained specifically with respect to each individual for whom they ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~perform the health-related activity or administer the medications described in division (B)(1) of this section. Developmental disabilities personnel shall not ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~ perform such an activity or administer such medications for any individual for whom they have not been specifically trained.

(c) If the employer of developmental disabilities personnel believes that the personnel have not or will not safely ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~perform the health-related activity or administer the medications described in division (B)(1) of this section, the employer shall prohibit the developmental disabilities personnel from continuing or commencing to do so. Developmental disabilities personnel shall not engage in the action or actions subject to an employer's prohibition.

(d) Developmental disabilities personnel shall activate a ~~vagal~~ vagus nerve stimulator, ~~use an~~ administer prescribed epinephrine either by autoinjector or intranasally, or administer topical over-the-counter medications in accordance with the manufacturer's instructions.

(C)(1) In the case of recipients of early intervention, preschool, and school-age services, as specified in division (A)(1) of this section, all of the following apply:

(a) With nursing delegation, developmental disabilities personnel may perform health-related activities.

(b) With nursing delegation, developmental disabilities personnel may administer oral and topical prescribed medications and topical over-the-counter musculoskeletal medications.

(c) With nursing delegation, developmental disabilities personnel may administer oxygen and metered dose inhaled medications.

(d) With nursing delegation, developmental disabilities personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(e) With nursing delegation, developmental disabilities personnel may administer routine doses of insulin through subcutaneous injections, inhalation, and insulin pumps.

(f) With nursing delegation, developmental disabilities personnel may administer prescribed medications for the treatment of metabolic glycemic disorders through subcutaneous injections.

(2) In the case of individuals described in divisions (A)(2), (7), and (9) of this section, all of the following apply:

(a) With nursing delegation, developmental disabilities personnel may perform health-related activities.

(b) With nursing delegation, developmental disabilities personnel may administer oral and topical prescribed medications and topical over-the-counter musculoskeletal medications.

(c) With nursing delegation, developmental disabilities personnel may administer oxygen and metered dose inhaled medications.

(d) With nursing delegation, developmental disabilities

personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(e) With nursing delegation, developmental disabilities personnel may administer routine doses of insulin through subcutaneous injections, inhalation, and insulin pumps.

(f) With nursing delegation, developmental disabilities personnel may administer prescribed medications for the treatment of metabolic glycemic disorders through subcutaneous injections.

(3) In the case of individuals described in divisions (A)(3), (4), (5), (6), and (8) of this section, all of the following apply:

(a) Without nursing delegation, developmental disabilities personnel may perform health-related activities.

(b) Without nursing delegation, developmental disabilities personnel may administer oral and topical prescribed medications and topical over-the-counter musculoskeletal medications.

(c) Without nursing delegation, developmental disabilities personnel may administer oxygen and metered dose inhaled medications.

(d) With nursing delegation, developmental disabilities personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(e) With nursing delegation, developmental disabilities personnel may administer routine doses of insulin through subcutaneous injections, inhalation, and insulin pumps.

(f) With nursing delegation, developmental disabilities personnel may administer prescribed medications for the treatment of metabolic glycemic disorders through subcutaneous injections.

(D) The authority of developmental disabilities personnel to administer medications and perform health-related activities pursuant to division (C) of this section is subject to all of the following:

(1) To administer medications or perform health-related activities for individuals in the categories specified under divisions (A)(1) to (9) of this section, developmental disabilities personnel shall obtain the certificate or certificates required by the department of developmental disabilities and issued under section 5123.45 of the Revised Code. Developmental disabilities personnel shall administer medications and perform health-related activities only as authorized by the certificate or certificates held.

(2) If nursing delegation is required under division (C) of this section, developmental disabilities personnel shall not act without nursing delegation or in a manner that is inconsistent with the delegation.

(3) The employer of developmental disabilities personnel shall ensure that the personnel have been trained specifically with respect to each individual for whom they administer medications or perform health-related activities. Developmental disabilities personnel shall not administer medications or perform health-related activities for any individual for whom they have not been specifically trained.

(4) If the employer of developmental disabilities

personnel believes that the developmental disabilities personnel have not or will not safely administer medications or perform health-related activities, the employer shall prohibit the ~~the~~ personnel from continuing or commencing to do so. Developmental disabilities personnel shall not engage in the action or actions subject to an employer's prohibition.

(E) In accordance with section 5123.46 of the Revised Code, the department of developmental disabilities shall adopt rules governing its implementation of this section. The rules shall include the following:

(1) Requirements for documentation of the administration of medications and performance of health-related activities by developmental disabilities personnel pursuant to the authority granted under this section;

(2) Procedures for reporting errors that occur in the administration of medications and performance of health-related activities by developmental disabilities personnel pursuant to the authority granted under this section;

(3) Other standards and procedures the department considers necessary for implementation of this section.

Sec. 5123.423. A family member may administer medications or perform health-related activities as described in section 5123.42 of the Revised Code without either of the following: nursing delegation or a certificate issued under section 5123.45 of the Revised Code.

Sec. 5123.451. The department of developmental disabilities shall establish and maintain a registry that lists all developmental disabilities personnel and registered nurses holding valid certificates issued under section 5123.45 of the

Revised Code. The registry shall specify the type of certificate held and any limitations that apply to a certificate holder. The department shall make the information in the registry available to the public in computerized form or any other manner that provides continuous access to the information in the registry. The registry is subject to section 4798.10 of the Revised Code.

Sec. 5123.47. (A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care ~~but~~ on a self-employed basis and does not employ, either directly or through contract, another person to provide the in-home care, but who is not a health care professional.

(4) ~~"Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the~~

~~individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.~~

~~(5)~~ "Health care professional" means any of the following:

(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;

(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;

(c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code;

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;

(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;

(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;

(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;

(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.

~~(6)~~ (5) "Health care task" means a task that is prescribed, ordered, ~~delegated,~~ or otherwise directed by a health care

professional acting within the scope of the professional's practice. "Health care task" includes the administration of ~~oral and topical prescribed~~ medications~~; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemic disorders through subcutaneous injections~~.

(B) Except as provided in division ~~(E)~~ (F) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:

(1) The family member is the primary supervisor of the care.

(2) At the time the family member both authorizes the unlicensed in-home care worker to perform health care tasks and supervises the care provided to the individual, the family member is not acting as a paid provider for the individual.

(3) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is under the direct supervision of the family member.

~~(3) The unlicensed in-home care worker is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide services to individuals with developmental disabilities.~~

(4) The health care task is completed in accordance with

standard, written instructions.

(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.

(6) The outcome of the health care task is reasonably predictable.

(7) Performance of the health care task requires no complex observation of the individual receiving the care.

(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.

(C) A family member who authorizes an unlicensed in-home care worker to perform health care tasks under this section shall ~~obtain~~ do all of the following:

(1) Obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual~~. The family member shall authorize~~;

(2) Authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority~~. The family member shall provide~~ ;

(3) Provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional~~. The family member or a health care professional shall be~~ ;

(4) Be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task.

(D) Before an unlicensed in-home care worker may perform the health care tasks authorized by a family member under this section, the worker shall accept the written document described in division (C)(2) of this section granting the worker that authority.

(E) A family member who authorizes an unlicensed in-home care worker to ~~administer oral and topical prescribed medications or~~ perform ~~other~~ health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

~~(E)~~ (F) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. In evaluating the authority, the board shall use appropriately licensed health care professionals.

If, after its evaluation, the board determines that a

family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, then all of the following apply:

(1) The authorization granted by the family member to an unlicensed in-home care worker is void~~, and the~~ .

(2) The family member may not authorize other unlicensed in-home care workers to provide the care.~~ In making such a determination, the~~

(3) The board shall ~~use~~ authorize appropriately licensed ~~health care professionals and~~ or certified providers to instead perform the health care tasks.

(4) The board shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

Sec. 5123.68. As used in sections 5123.68 to 5123.686 of the Revised Code:

(A) "Principal" means an adult with a developmental disability who seeks to enter, or has entered, into a supported decision-making plan.

(B) "Supported decision-making" means the process of supporting and accommodating an adult with a developmental disability who is making, communicating, or implementing the adult's own life decisions without impeding the adult's self-determination.

"Supported decision-making" may include any matter impacting the adult's life.

(C) "Supported decision-making plan" is a plan between an adult with a developmental disability and one or more supporters

chosen by the adult that may be informal and occur naturally or may be formal and documented through a written plan entered into pursuant to section 5123.683 of the Revised Code.

(D) "Supporter" means a person chosen by an adult with a developmental disability to support the adult with a developmental disability in a supported decision-making plan.

Sec. 5123.681. (A) Based on the principle that all adults with developmental disabilities should be afforded all of the rights set forth in section 5123.62 of the Revised Code, all adults with developmental disabilities are presumed to be capable of making decisions regarding their lives and activities of daily living and are presumed to be competent to handle their own affairs, unless otherwise determined by a court of competent jurisdiction.

(B) The fact that an adult has a developmental disability does not, by itself, void the presumption of capacity and competency described in division (A) of this section.

(C) The manner in which an adult with a developmental disability communicates with others is not grounds for a finding that the adult is incapable of managing the adult's affairs or of entering into a supported decision-making plan.

(D) Execution of a supported decision-making plan by an adult with a developmental disability is not evidence of incapacity and shall not be used as such.

(E) An adult with a developmental disability who has entered into a supported decision-making plan is not precluded from acting independently of the plan, acting independently of one or more supporters identified in the plan, or seeking personal information without the assistance of a supporter. The

adult's choice to act independently of the plan or a supporter is not evidence of incapacity and shall not be used as such.

(F) Evidence of either a formal or informal supported decision-making plan may be presented as a less restrictive alternative to guardianship pursuant to division (C)(5) of section 2111.02 of the Revised Code.

(G) No adult with a developmental disability shall be required to enter into a supported decision-making plan.

Sec. 5123.682. (A) A supported decision-making plan may be created at the request and with the active participation of the principal. A supported decision-making plan may be established by either of the following:

(1) Pursuant to a written plan in accordance with section 5123.683 of the Revised Code;

(2) Naturally, without a written plan, when an adult with a developmental disability relies upon natural supports or chosen supporters to assist with decisions in the adult's daily life.

(B) The department of developmental disabilities shall develop both of the following:

(1) A model written supported decision-making plan that may be used by a principal and one or more supporters;

(2) Informational materials about formal and informal supported decision-making plans, intended for use by all of the following:

(a) Adults with developmental disabilities;

(b) Family members of adults with developmental

disabilities;

(c) Social service, medical service, and financial service professionals and other professionals likely to encounter supported decision-making plans;

(d) The general public.

Sec. 5123.683. (A) A written supported decision-making plan shall be executed in accordance with this section.

(B)(1) The written plan shall be entered into by the adult with a developmental disability as the principal and one or more supporters.

(2) The plan shall be signed and acknowledged voluntarily, without coercion or undue influence, by the principal.

The principal's signature shall be witnessed by either a notary public or two adult witnesses who are not parties to the supported decision-making plan. The witnesses must attest that the plan was signed of the principal's own free will and accord.

Sec. 5123.684. (A) Except as otherwise limited by the principal, and pursuant to the principal's authority under division (E) of section 5123.681 of the Revised Code, a supporter may assist the principal with all of the following:

(1) Understanding information, options, responsibilities, and consequences associated with making decisions;

(2) Communicating the decisions to third parties;

(3) Obtaining and understanding information relevant to life decisions, including medical, psychological, financial, employment, medicaid, educational, or other records;

(4) Monitoring information about the principal's affairs

and services, including future services;

(5) Understanding the principal's personal values, beliefs, and preferences, including the principal's cultural, ethnic, or religious heritage, and using this information to advocate for the implementation of the principal's wishes and decisions;

(6) Accompanying the principal and participating in discussions with third parties.

(B)(1) The supporter shall assist the principal in accessing, collecting, or obtaining only information that is relevant to a decision authorized by the supported decision-making plan.

(2) If the supporter assists the principal in accessing, collecting, or obtaining personal information protected under the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d-2, the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g, or financial information protected under the "Financial Services Modernization Act of 1999," 15 U.S.C. 6801 and 6821, the supporter shall keep the information confidential.

(3) The existence of a supported decision-making plan does not preclude the principal from seeking personal information without the assistance of the supporter.

(C) The supporter may undertake any actions permitted by the principal in the supported decision-making plan. The supporter owes the principal a fiduciary duty to act in accordance with the supported decision-making plan. The supporter shall not act in contradiction to the expressed wishes or decision-making authority of the principal.

(D)(1) In the event the supporter has a conflict of interest or potential conflict of interest in a decision made by the principal, the supporter shall do both of the following:

(a) Fully disclose the conflict of interest to the principal and any other members of the principal's support team, including a service and support administrator or a qualified intellectual disability professional;

(b) Refrain from advising or assisting the principal on or with the decision.

(2) A supporter who intentionally fails to disclose a conflict of interest or who otherwise breaches the supporter's fiduciary duty to the principal is liable to the principal for all reasonable damages incurred as a result.

Sec. 5123.685. A principal may modify or end either a formal or informal supported decision-making plan at any time by notifying the supporter. A principal may modify or end a supported decision-making plan in writing and provide a copy of the written notice to the supporter.

Sec. 5123.686. (A) Nothing in sections 5123.68 to 5123.686 of the Revised Code prohibits a third party from requiring the principal to execute a release of information or other document to confirm the continued validity of the supported decision-making plan or to confirm the principal's authorization of the third party to share information with a specific supporter.

(B) A person who acts in good faith while relying on a supported decision-making plan is not liable for damages in a civil action and is not subject to criminal prosecution or professional disciplinary action unless they have actual knowledge that either:

(1) The supported decision-making plan has been modified or ended pursuant to section 5123.685 of the Revised Code.

(2) The principal has not authorized the supporter to engage in the specific action taken.

Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and division (B) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;

(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;

(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;

(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;

(5) The sum of the following:

(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;

(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual,

allowable, per medicaid day direct care costs from the applicable cost report year;

(c) ~~A~~ For state fiscal year 2026, a professional workforce development payment equal to ~~thirteen and fifty-five hundredths for state fiscal year 2024 and twenty and eighty-one hundredths during fiscal year 2025~~ ten and four hundred five thousandths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.

(B) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.

(C)(1) In addition to paying an ICF/IID provider the total per medicaid day payment rate determined for the provider's ICF/IID under divisions (A) and (B) of this section for a fiscal year, the department may do either or both of the following:

(a) In accordance with section 5124.25 of the Revised Code, pay the provider a rate add-on for ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on;

(b) In accordance with section 5124.26 of the Revised Code, pay the provider for outlier ICF/IID services the ICF/IID provides to residents identified as needing intensive behavioral health support services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on.

(2) The rate add-ons are not to be part of the ICF/IID's total per medicaid day payment rate.

Sec. 5139.05. (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's delinquent act, and, if the child is ten or eleven years of age, the delinquent act is a violation of section 2909.03 of the Revised Code or would be aggravated murder, murder, or a first or second degree felony offense of violence if committed by an adult. Any order to commit a child to an institution under the control and management of the department shall have the effect of ordering that the child be committed to the department and assigned to an institution or placed in a community corrections facility in accordance with division (E) of section 5139.36 of the Revised Code as follows:

(1) For an indefinite term consisting of the prescribed minimum period specified by the court under division (A)(1) of section 2152.16 of the Revised Code and a maximum period not to exceed the child's attainment of twenty-one years of age, if the child was committed pursuant to section 2152.16 of the Revised Code;

(2) Until the child's attainment of twenty-one years of age, if the child was committed for aggravated murder or murder pursuant to section 2152.16 of the Revised Code;

(3) For a period of commitment that shall be in addition to, and shall be served consecutively with and prior to, a period of commitment described in division (A)(1) or (2) of this section, if the child was committed pursuant to section 2152.17 of the Revised Code;

(4) If the child is ten or eleven years of age, to an institution, a residential care facility, a residential facility, or a facility licensed by the department of ~~job and family services~~ children and youth that the department of youth services considers best designated for the training and rehabilitation of the child and protection of the public. The child shall be housed separately from children who are twelve years of age or older until the child is released or discharged or until the child attains twelve years of age, whichever occurs first. Upon the child's attainment of twelve years of age, if the child has not been released or discharged, the department is not required to house the child separately.

(B)(1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the minimum period specified under division (A)(1) of section 2152.16 of the Revised Code, may grant the release from custody of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.

(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.

(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.

(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code.

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall

be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public authorities shall make available to the department all pertinent data in their possession with respect to the case.

(D) Records maintained by the department of youth services pertaining to the children in its custody shall be accessible only to department employees, except by consent of the department, upon the order of the judge of a court of record, or as provided in divisions (D)(1) and (2) of this section. These records shall not be considered "public records," as defined in section 149.43 of the Revised Code.

(1) Except as otherwise provided by a law of this state or the United States, the department of youth services may release records that are maintained by the department of youth services and that pertain to children in its custody to the department of rehabilitation and correction regarding persons who are under the jurisdiction of the department of rehabilitation and correction and who have previously been committed to the department of youth services. The department of rehabilitation and correction may use those records for the limited purpose of carrying out the duties of the department of rehabilitation and correction. Records released by the department of youth services to the department of rehabilitation and correction shall remain confidential and shall not be considered public records as defined in section 149.43 of the Revised Code.

(2) The department of youth services shall provide to the

superintendent of the school district in which a child discharged or released from the custody of the department is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code the records described in divisions (D)(4)(a) to (d) of section 2152.18 of the Revised Code. Subject to the provisions of section 3319.321 of the Revised Code and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as amended, the records released to the superintendent shall remain confidential and shall not be considered public records as defined in section 149.43 of the Revised Code.

(E)(1) When a child is committed to the department of youth services, the department, orally or in writing, shall notify the parent, guardian, or custodian of a child that the parent, guardian, or custodian may request at any time from the superintendent of the institution in which the child is located any of the information described in divisions (E)(1)(a), (b), (c), and (d) of this section. The parent, guardian, or custodian may provide the department with the name, address, and telephone number of the parent, guardian, or custodian, and, until the department is notified of a change of name, address, or telephone number, the department shall use the name, address, and telephone number provided by the parent, guardian, or custodian to provide notices or answer inquiries concerning the following information:

(a) When the department of youth services makes a permanent assignment of the child to a facility, the department, orally or in writing and on or before the third business day after the day the permanent assignment is made, shall notify the parent, guardian, or custodian of the child of the name of the facility to which the child has been permanently assigned.

If a parent, guardian, or custodian of a child who is committed to the department of youth services requests, orally or in writing, the department to provide the parent, guardian, or custodian with the name of the facility in which the child is currently located, the department, orally or in writing and on or before the next business day after the day on which the request is made, shall provide the name of that facility to the parent, guardian, or custodian.

(b) If a parent, guardian, or custodian of a child who is committed to the department of youth services, orally or in writing, asks the superintendent of the institution in which the child is located whether the child is being disciplined by the personnel of the institution, what disciplinary measure the personnel of the institution are using for the child, or why the child is being disciplined, the superintendent or the superintendent's designee, on or before the next business day after the day on which the request is made, shall provide the parent, guardian, or custodian with written or oral responses to the questions.

(c) If a parent, guardian, or custodian of a child who is committed to the department of youth services, orally or in writing, asks the superintendent of the institution in which the child is held whether the child is receiving any medication from personnel of the institution, what type of medication the child is receiving, or what condition of the child the medication is intended to treat, the superintendent or the superintendent's designee, on or before the next business day after the day on which the request is made, shall provide the parent, guardian, or custodian with oral or written responses to the questions.

(d) When a major incident occurs with respect to a child

who is committed to the department of youth services, the department, as soon as reasonably possible after the major incident occurs, shall notify the parent, guardian, or custodian of the child that a major incident has occurred with respect to the child and of all the details of that incident that the department has ascertained.

(2) The failure of the department of youth services to provide any notification required by or answer any requests made pursuant to division (E) of this section does not create a cause of action against the state.

(F) The department of youth services, as a means of punishment while the child is in its custody, shall not prohibit a child who is committed to the department from seeing that child's parent, guardian, or custodian during standard visitation periods allowed by the department of youth services unless the superintendent of the institution in which the child is held determines that permitting that child to visit with the child's parent, guardian, or custodian would create a safety risk to that child, that child's parents, guardian, or custodian, the personnel of the institution, or other children held in that institution.

(G) As used in this section:

(1) "Permanent assignment" means the assignment or transfer for an extended period of time of a child who is committed to the department of youth services to a facility in which the child will receive training or participate in activities that are directed toward the child's successful rehabilitation. "Permanent assignment" does not include the transfer of a child to a facility for judicial release hearings pursuant to section 2152.22 of the Revised Code or for any other

temporary assignment or transfer to a facility.

(2) "Major incident" means the escape or attempted escape of a child who has been committed to the department of youth services from the facility to which the child is assigned; the return to the custody of the department of a child who has escaped or otherwise fled the custody and control of the department without authorization; the allegation of any sexual activity with a child committed to the department; physical injury to a child committed to the department as a result of alleged abuse by department staff; an accident resulting in injury to a child committed to the department that requires medical care or treatment outside the institution in which the child is located; the discovery of a controlled substance upon the person or in the property of a child committed to the department; a suicide attempt by a child committed to the department; a suicide attempt by a child committed to the department that results in injury to the child requiring emergency medical services outside the institution in which the child is located; the death of a child committed to the department; an injury to a visitor at an institution under the control of the department that is caused by a child committed to the department; and the commission or suspected commission of an act by a child committed to the department that would be an offense if committed by an adult.

(3) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(4) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(5) "Residential care facility" and "residential facility" have the same meanings as in section 2151.011 of the Revised

Code.

Sec. 5139.08. The department of youth services may enter into an agreement with the director of rehabilitation and correction pursuant to which the department of youth services, in accordance with division (C)(2) of section 5139.06 and section 5120.162 of the Revised Code, may transfer to a correctional medical center established by the department of rehabilitation and correction, children who are within its custody for diagnosis or treatment of an illness, physical condition, or other medical problem. The department of youth services may enter into any other agreements with the director of children and youth, the director of job and family services, the director of mental health and addiction services, the director of developmental disabilities, the director of rehabilitation and correction, with the courts having probation officers or other public officials, and with private agencies or institutions for separate care or special treatment of children subject to the control of the department of youth services. The department of youth services may, upon the request of a juvenile court not having a regular probation officer, provide probation services for such court.

Upon request by the department of youth services, any public agency or group care facility established or administered by the state for the care and treatment of children and youth shall, consistent with its functions, accept and care for any child whose custody is vested in the department in the same manner as it would be required to do if custody had been vested by a court in such agency or group care facility. If the department has reasonable grounds to believe that any child or youth whose custody is vested in it is mentally ill or has an intellectual disability, the department may file an affidavit

under section 5122.11 or 5123.76 of the Revised Code. The department's affidavit for admission of a child or youth to such institution shall be filed with the probate court of the county from which the child was committed to the department. Such court may request the probate court of the county in which the child is held to conduct the hearing on the application, in which case the court making such request shall bear the expenses of the proceeding. If the department files such an affidavit, the child or youth may be kept in such institution until a final decision on the affidavit is made by the appropriate court.

Sec. 5139.34. (A) Funds may be appropriated to the department of youth services for the purpose of granting state subsidies to counties. A county or the juvenile court that serves a county shall use state subsidies granted to the county pursuant to this section only in accordance with divisions (B)(2)(a) and (3)(a) of section 5139.43 of the Revised Code and the rules pertaining to the state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code. The department shall not grant financial assistance pursuant to this section for the provision of care and services for children in a placement facility unless the facility has been certified, licensed, or approved by a state or national agency with certification, licensure, or approval authority, including, but not limited to, the department of ~~job and family services~~children and youth, department of education and workforce, department of mental health and addiction services, department of developmental disabilities, or American correctional association. For the purposes of this section, placement facilities do not include a state institution or a county or district children's home.

The department of youth services also shall not grant

financial assistance pursuant to this section for the provision of care and services for children, including, but not limited to, care and services in a detention facility, in another facility, or in out-of-home placement, unless the minimum standards applicable to the care and services that the department prescribes in rules adopted pursuant to division (D) of section 5139.04 of the Revised Code have been satisfied.

(B) The department of youth services shall apply the following formula to determine the amount of the annual grant that each county is to receive pursuant to division (A) of this section, subject to the appropriation for this purpose to the department made by the general assembly:

(1) Each county shall receive a basic annual grant of fifty thousand dollars.

(2) The sum of the basic annual grants provided under division (B)(1) of this section shall be subtracted from the total amount of funds appropriated to the department of youth services for the purpose of making grants pursuant to division (A) of this section to determine the remaining portion of the funds appropriated. The remaining portion of the funds appropriated shall be distributed on a per capita basis to each county that has a population of more than twenty-five thousand for that portion of the population of the county that exceeds twenty-five thousand.

(C)(1) Prior to a county's receipt of an annual grant pursuant to this section, the juvenile court that serves the county shall prepare, submit, and file in accordance with division (B)(3)(a) of section 5139.43 of the Revised Code an annual grant agreement and application for funding that is for the combined purposes of, and that satisfies the requirements

of, this section and section 5139.43 of the Revised Code. In addition to the subject matters described in division (B)(3)(a) of section 5139.43 of the Revised Code or in the rules that the department adopts to implement that division, the annual grant agreement and application for funding shall address fiscal accountability and performance matters pertaining to the programs, care, and services that are specified in the agreement and application and for which state subsidy funds granted pursuant to this section will be used.

(2) The county treasurer of each county that receives an annual grant pursuant to this section shall deposit the state subsidy funds so received into the county's felony delinquent care and custody fund created pursuant to division (B)(1) of section 5139.43 of the Revised Code. Subject to exceptions prescribed in section 5139.43 of the Revised Code that may apply to the disbursement, the department shall disburse the state subsidy funds to which a county is entitled in a lump sum payment that shall be made in July of each calendar year.

(3) Upon an order of the juvenile court that serves a county and subject to appropriation by the board of county commissioners of that county, a county treasurer shall disburse from the county's felony delinquent care and custody fund the state subsidy funds granted to the county pursuant to this section for use only in accordance with this section, the applicable provisions of section 5139.43 of the Revised Code, and the county's approved annual grant agreement and application for funding.

(4) The moneys in a county's felony delinquent care and custody fund that represent state subsidy funds granted pursuant to this section are subject to appropriation by the board of

county commissioners of the county; shall be disbursed by the county treasurer as required by division (C)(3) of this section; shall be used in the manners referred to in division (C)(3) of this section; shall not revert to the county general fund at the end of any fiscal year; shall carry over in the felony delinquent care and custody fund from the end of any fiscal year to the next fiscal year; shall be in addition to, and shall not be used to reduce, any usual annual increase in county funding that the juvenile court is eligible to receive or the current level of county funding of the juvenile court and of any programs, care, or services for alleged or adjudicated delinquent children, unruly children, or juvenile traffic offenders or for children who are at risk of becoming delinquent children, unruly children, or juvenile traffic offenders; and shall not be used to pay for the care and custody of felony delinquents who are in the care and custody of an institution pursuant to a commitment, recommitment, or revocation of a release on parole by the juvenile court of that county or who are in the care and custody of a community corrections facility pursuant to a placement by the department as described in division (E) of section 5139.36 of the Revised Code.

(5) As a condition of the continued receipt of state subsidy funds pursuant to this section, each county and the juvenile court that serves each county that receives an annual grant pursuant to this section shall comply with divisions (B)(3)(b), (c), and (d) of section 5139.43 of the Revised Code.

Sec. 5153.10. Each public children services agency shall designate an executive officer known as the "executive director," who shall not be in the classified civil service. The superintendent of the children's home, the county director of job and family services, or other individual may serve as the

executive director.

The agency shall, from time to time, inquire into community conditions affecting the welfare of children and study the work of the agency and its relation to the work of other organizations whose functions are related to child welfare. The agency may, after consultation with the executive director, adopt rules of general application, not inconsistent with law or with the rules adopted by the director of ~~job and family services~~children and youth.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section ~~5101.141~~ 5180.42 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;

(F) Intervening;

(G) Providing services to children and their families;

(H) The importance of and need for accurate data;

(I) Preparation for court;

(J) Maintenance of case record information;

(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;

(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.

After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.

During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of children and youth shall adopt pursuant to Chapter 119. of the Revised Code.

Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child;

(2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of children and youth, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court;

(3) Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact when referring a family for prevention services under division (J) of section 2151.421 of the Revised Code.

(4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;

(5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;

(6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;

(7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;

(8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;

(9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county;

(10) Subject to the approval of the board of county commissioners and the department of children and youth, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;

(11) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose;

(12) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(13) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of children and youth, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E)(6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the parenting time rights or companionship or visitation rights;

(14) Make investigations at the request of any superintendent of schools in the county or the principal of any school concerning the application of any child adjudicated to be an abused, neglected, or dependent child for release from school, where such service is not provided through a school attendance department;

(15) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section ~~5101.141~~ 5180.42 of the Revised Code;

(16) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;

(17) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of children and

youth, to assist the public children services agency in determining the risk of abuse or neglect to a child;

(18) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;

(19) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;

(20) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;

(21) Administer a Title IV-A program identified under division (A)(4)(c) or (h) of section 5101.80 of the Revised Code that the department of children and youth provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code;

(22) Administer the kinship permanency incentive program

created under section ~~5101.802~~ 5180.52 of the Revised Code under the supervision of the director of children and youth;

(23) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

(24) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division (A)(17) of this section in connection with an investigation undertaken pursuant to division (G)(1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Sec. 5153.163. (A) As used in this section:

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) "Relative" has the same meaning as in section ~~5101.141~~ 5180.42 of the Revised Code.

(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.

(d) The needs of the child are beyond the economic resources of the adoptive parent.

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.

(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.

(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.

(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need.

(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C)(1) A public children services agency may enter into an agreement with a child's relative under which the agency, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(b) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued

an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(ii) The relative has committed to care for the child on a permanent basis.

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child.

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(e) Returning the child home or adoption are not appropriate permanency options for the child.

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child.

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement.

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended.

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative.

(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need.

~~(4) Not later than fifteen months after September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.~~

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance payable under division (B) of this section;

(3) The definition of "child with special needs" for this section;

(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined;

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004.

(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes.

Sec. 5160.37. (A) A medical assistance recipient's enrollment in a medical assistance program gives an automatic right of recovery to the department of medicaid and a county department of job and family services against the liability of a third party for the cost of medical assistance paid on behalf of the recipient. When an action or claim is brought against a third party by a medical assistance recipient, any payment, settlement or compromise of the action or claim, or any court award or judgment, is subject to the recovery right of the department of medicaid or county department. Except in the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization, the department's or county department's claim shall not exceed the amount of medical assistance paid by the department or county department on behalf of the recipient. A payment, settlement,

compromise, judgment, or award that excludes the cost of medical assistance paid for by the department or county department shall not preclude a department from enforcing its rights under this section.

(B)(1) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that has a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization would have paid in the absence of a capitation agreement.

(2) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that does not have a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization pays for medical assistance rendered to the recipient, even if that amount is more than the amount the department or county department pays to the medicaid managed care organization for the recipient's medical assistance.

(C) A medical assistance recipient, and the recipient's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the medical assistance recipient, or the recipient's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program.

(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of

any third party against whom the medical assistance recipient has or may have a right of recovery.

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this section and a reasonable opportunity to perfect its rights of recovery. If the department or county department is not given the appropriate written notice, the medical assistance recipient and, if there is one, the recipient's attorney, are liable to reimburse the department or county department for the recovery received to the extent of medical assistance payments made by the department or county department.

(F) The department or county department shall be permitted to enforce its recovery rights against the third party even though it accepted prior payments in discharge of its rights under this section if, at the time the department or county department received such payments, it was not aware that additional medical expenses had been incurred but had not yet been paid by the department or county department. The third party becomes liable to the department or county department as soon as the third party is notified in writing of the valid claims for recovery under this section.

(G)(1) Subject to division (G)(2) of this section, the right of recovery of the department or county department does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent of attorneys' fees, costs, or other expenses incurred by a medical assistance recipient in

securing the judgment, award, settlement, or compromise, or to the extent of medical, surgical, and hospital expenses paid by such recipient from the recipient's own resources.

(2) Reasonable attorneys' fees, not to exceed one-third of the total judgment, award, settlement, or compromise, plus costs and other expenses incurred by the medical assistance recipient in securing the judgment, award, settlement, or compromise, shall first be deducted from the total judgment, award, settlement, or compromise. After fees, costs, and other expenses are deducted from the total judgment, award, settlement, or compromise, there shall be a rebuttable presumption that the department of medicaid or county department shall receive no less than one-half of the remaining amount, or the actual amount of medical assistance paid, whichever is less. A party may rebut the presumption in accordance with division (L)(1) ~~or~~, (2), or (3) of this section, as applicable.

(H) A right of recovery created by this section may be enforced separately or jointly by the department of medicaid or county department. To enforce its recovery rights, the department or county department may do any of the following:

(1) Intervene or join in any action or proceeding brought by the medical assistance recipient or on the recipient's behalf against any third party who may be liable for the cost of medical assistance paid;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of medical assistance paid;

(3) Initiate legal proceedings in conjunction with any injured, diseased, or disabled medical assistance recipient or

the recipient's attorney or representative.

(I) A medical assistance recipient shall not assess attorney fees, costs, or other expenses against the department of medicaid or a county department when the department or county department enforces its right of recovery created by this section.

(J) The right of recovery given to the department under this section includes payments made by a third party under contract with a person having a duty to support.

(K) The department of medicaid may assign to a medical assistance provider the right of recovery given to the department under this section with respect to any claim for which the department has notified the provider that the department intends to recoup the department's prior payment for the claim.

(L)(1) Prior to any payment to the department or a county department pursuant to the department's or county department's right of recovery under this section, a party that desires to rebut the presumption in division (G) of this section shall submit to the department or county department a request for a hearing in accordance with the procedure the department establishes in rules required by division (O) of this section. The amount sought by the department or county department shall be held in escrow or in an interest on lawyers' trust account until the hearing examiner renders a decision or the case is otherwise concluded. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(2) A medical assistance recipient who has repaid money,

on or after September 29, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. It must be made not later than one hundred eighty days after September 29, 2015, or ninety days after the payment is made, whichever is later. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(3) A medical assistance recipient who has repaid money, between April 6, 2007 and September 28, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made not later than one hundred eighty days after the effective date of this amendment in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. The presumption is successfully rebutted if the requestor demonstrates by clear and convincing evidence that a different allocation is warranted.

(4) With respect to a hearing requested under division (L)(1) ~~or~~, (2), or (3) of this section, all of the following are the case:

(a) The hearing examiner may consider, but is not bound by

the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules;

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section;

(f) A request for a hearing may be submitted by any of the following:

(i) The medical assistance recipient;

(ii) The medical assistance recipient's authorized representative;

(iii) The executor or administrator of a medical assistance recipient's estate authorized to make or pursue a request;

(iv) A court-appointed guardian;

(v) An attorney who has been directly retained by the medical assistance recipient, or the recipient's parent, legal guardian, or court-appointed guardian.

(M)(1) A medical assistance recipient who disagrees with a hearing examiner's decision under division (L) of this section may file an administrative appeal with the medicaid director in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. A hearing is not required during the administrative appeal, but the director or the director's designee shall review the hearing examiner's decision and any prior relevant administrative action. After the review, the director or the director's designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical assistance recipient unless it is reversed or modified on appeal to a court of common pleas as described in division (N) of this section.

(2) An administrative appeal may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to an administrative appeal only to the extent specified in those rules.

(N) A party to an administrative appeal described in division (M) of this section may file an appeal with a court of common pleas in accordance with section 119.12 of the Revised Code.

(O) The medicaid director shall adopt rules under section 5160.02 of the Revised Code as necessary to implement this section, including rules establishing procedures a party may use

to request a hearing under division (L)(1) ~~or~~ , (2), or (3) of this section or an administrative appeal under division (M)(1) of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(P) Divisions (L) to (N) of this section are remedial in nature and shall be liberally construed by the courts of this state in accordance with section 1.11 of the Revised Code. Those divisions specify the sole remedy available to a party who claims the department or a county department has received or is to receive more money than entitled to receive under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code.

Sec. 5162.133. Not less than once each year, the medicaid director shall submit a report on the medicaid buy-in for workers with disabilities program to the governor, general assembly, and joint medicaid oversight committee. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report shall include all of the following information:

(A) The number of individuals who participated in the medicaid buy-in for workers with disabilities program;

(B) The cost of the program;

(C) ~~The amount of revenue generated by premiums that participants pay under section 5163.094 of the Revised Code;~~

~~(D)~~ The average amount of earned income of participants' families;

~~(E)~~ (D) The average amount of time participants have participated in the program;

~~(F)~~ (E) The types of other health insurance participants have been able to obtain.

Sec. 5162.25. (A) As used in this section:

(1) "State directed payment program" means a payment program authorized by the United States centers for medicare and medicaid services under 42 C.F.R. 438.6(c).

(2) "Preprint" means a form created by the United States centers for medicare and medicaid services to request approval of a state directed payment program, as required under 42 C.F.R. 438.6(c).

(B)(1) Except as provided in division (B)(2) of this section, the medicaid director shall comply with this section for all new and existing state directed payment programs.

(2) This section does not apply to a state directed payment program that is funded by the department of medicaid or the hospital franchise permit fee program.

(C) All of the following apply to a state directed payment program that is subject to this section:

(1) The program shall comply with the requirements of 42 C.F.R. 438.6(c), including all of the following:

(a) The program shall be approved by the United States centers for medicare and medicaid services, and the director shall seek approval for the program in accordance with section 5162.07 of the Revised Code.

(b) Directed payments under the program shall not exceed the average commercial rate for all providers participating under a preprint unless exempted by a value-based purchasing agreement approved by the United States centers for medicare and

medicaid services.

(c) The program shall be subject to an evaluation plan, in accordance with 42 C.F.R. 438.6(c)(2)(ii)(D).

(2) The program shall be for hospital providers and services or professional services provided by hospitals.

(3) Unless otherwise determined by the medicaid director, only one state directed payment preprint may be approved for each of the following provider classes:

(a) Inpatient and outpatient hospital services;

(b) Physician services;

(c) Children's hospitals participating in the outcomes acceleration for kids quality initiative.

(D) A hospital provider participating in a state directed payment program shall do all of the following:

(1) Enter into one or more contracts related to the state directed payment program as necessary, as determined by the department;

(2) Comply with all average commercial rate reporting requirements established by the department, related to the requirements set forth in 42 C.F.R. 438.6(c)(2)(iii);

(3) Comply with the department's state directed payment quality measure set, including the metrics and targets set by the department for the state directed payment program to advance the goals and objectives specified in the department's quality strategy, as specified in 42 C.F.R. 438.6(c)(2)(ii)(C) and 42 C.F.R. 438.340;

(4) Cooperate with any evaluation or reporting

requirements established by the department related to the requirements set forth in 42 C.F.R. 438.6(c)(2)(ii)(D) and (F).

(E) Any hospital provider contract required under division (D)(1) of this section shall be executed not later than the first day of October preceding the first fiscal year of a biennium. A contract required under this section may be entered into in accordance with section 5162.32 of the Revised Code.

(F)(1) All funds supporting a state directed payment program shall comply with the requirements specified in 42 C.F.R. 433.51. No hospital provider may participate in a state directed payment program unless sufficient funds are obligated and appropriated.

(2) The director may terminate or decline to establish any state directed payment program if federal or local funding is not available or sufficient to sustain the program. The department shall not at any time be required to provide funding for a state directed payment program that is subject to this section.

Sec. 5163.03. (A) ~~Subject to section 5163.05 of the Revised Code, the~~ The medicaid program shall cover all mandatory eligibility groups.

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover.

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies:

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group.

(2) The medicaid program covers the optional eligibility group on ~~the effective date of this amendment~~ November 22, 2017.

(D) The medicaid program shall not cover an optional eligibility group to which either of the following applies:

(1) State statutes prohibit the medicaid program from covering the optional eligibility group.

(2) Except as provided in divisions (B) and (C)(1) of this section, the medicaid program does not cover the optional eligibility group on ~~the effective date of this amendment~~ November 22, 2017.

Sec. 5163.091. Under the medicaid buy-in for workers with disabilities program, an individual who does ~~all~~ both of the following in accordance with rules authorized by section 5163.098 of the Revised Code qualifies for the medicaid program:

(A) Applies for the medicaid buy-in for workers with disabilities program;

(B) Provides satisfactory evidence of all of the following:

(1) That the individual is at least sixteen years of age and under sixty-five years of age;

(2) Except as provided in section 5163.096 of the Revised Code, that one of the following applies to the individual:

(a) The individual is considered disabled for the purpose of the supplemental security income program, regardless of whether the individual receives supplemental security income benefits, and the individual has earnings from employment.

(b) The individual is an employed individual with a

medically improved disability.

(3) That the value of the individual's resources, less amounts disregarded pursuant to rules authorized by section 5163.098 of the Revised Code, does not exceed the amount provided for by section 5163.092 of the Revised Code;

(4) That the individual's income, less amounts disregarded pursuant to section 5163.093 of the Revised Code, does not exceed two hundred fifty per cent of the federal poverty line;

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program established in rules authorized by section 5163.098 of the Revised Code.

~~(C) To the extent required by section 5163.094 of the Revised Code, pays the premium established under that section.~~

Sec. 5163.093. For the purpose of determining whether an individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program, all of the following apply:

(A) Twenty thousand dollars of the individual's earned income shall be disregarded.

(B) No amount that the individual's employer pays to obtain health insurance for one or more members of the individual's family~~, including any amount of a premium established under section 5163.094 of the Revised Code that the employer pays,~~ shall be treated as the individual's income.

(C) Any other amounts, if any, specified in rules authorized by section 5163.098 of the Revised Code shall be disregarded from the individual's earned income, unearned

income, or both.

Sec. 5163.094. An individual ~~whose income exceeds one hundred fifty per cent of the federal poverty line~~ shall not be required to pay ~~an annual~~ a premium as a condition of qualifying for the medicaid buy-in for workers with disabilities program. ~~The amount of the premium shall be determined as follows:~~

~~(A) Subtract one hundred fifty per cent of the federal poverty line, as applicable for a family size equal to the size of the individual's family, from the amount of the income of the individual's family;~~

~~(B) Subtract an amount specified in rules authorized by section 5163.098 of the Revised Code from the difference determined under division (A) of this section;~~

~~(C) Multiply the difference determined under division (B) of this section by one tenth.~~

Sec. 5163.098. (A) The medicaid director shall adopt rules under section 5163.02 of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following:

(1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program;

(2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income";

(3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program;

~~(4) For the purpose of division (B) of section 5163.094 of the Revised Code, specify an amount to be subtracted from the difference determined under division (A) of that section.~~

(B) The director may adopt rules under section 5163.02 of the Revised Code to specify amounts to be disregarded from an individual's earned income, unearned income, or both under division (C) of section 5163.093 of the Revised Code for the purpose of determining whether the individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program.

Sec. 5163.30. (A) As used in this section:

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:

(a) The individual or spouse;

(b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;

(c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.

(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d).

(3) "Institutionalized individual" means a resident of a

nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in the "Social Security Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).

(4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5163.02 of the Revised Code immediately before either of the following:

(a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date;

(b) The date an individual applies for medicaid while an institutionalized individual.

(5) "Nursing facility equivalent services" means services that are covered by the medicaid program, equivalent to nursing facility services, provided by an institution that provides the same level of care as a nursing facility, and provided to an inpatient of the institution who is a medicaid recipient eligible for medicaid-covered nursing facility equivalent services.

(6) "Undue hardship" means being deprived of either of the following:

(a) Medical care such that an individual's health or life is endangered;

(b) Food, clothing, shelter, or other necessities of life.

(B) Except as provided in division (C) of this section and rules adopted under section 5163.02 of the Revised Code, an institutionalized individual is ineligible for nursing facility

services, nursing facility equivalent services, and home and community-based services if the individual or individual's spouse disposes of assets for less than fair market value on or after the look-back date. The institutionalized individual's ineligibility shall begin on a date determined in accordance with rules adopted under section 5163.02 of the Revised Code and shall continue for a number of months determined in accordance with such rules.

(C)(1) An institutionalized individual may be granted a waiver of all or a portion of the period of ineligibility to which the individual would otherwise be subjected under division (B) of this section if the ineligibility would cause an undue hardship for the individual.

(2) An institutionalized individual ~~shall~~ may be granted a waiver of all or a portion of the period of ineligibility if the administrator of the nursing facility in which the individual resides has notified the individual of a proposed transfer or discharge under section 3721.16 of the Revised Code due to failure to pay for the care the nursing facility has provided to the individual, the individual or the individual's sponsor requests a hearing on the proposed transfer or discharge in accordance with section 3721.161 of the Revised Code, and the transfer or discharge is upheld by a final determination that is not subject to further appeal.

(3) An institutionalized individual may be granted a waiver of all of the period of ineligibility if all of the assets that were disposed of for less than fair market value are returned to the individual or individual's spouse or if the individual or individual's spouse receives cash or other personal or real property that equals the difference between

what the individual or individual's spouse received for the assets and the fair market value of the assets. Except as provided in division (C)(1) or (2) of this section, no waiver of any part of the period of ineligibility shall be granted if the amount the individual or individual's spouse receives is less than the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets.

(4) Waivers shall be granted in accordance with rules adopted under section 5163.02 of the Revised Code.

(D) To secure compliance with this section, the medicaid director may require an individual, as a condition of initial or continued eligibility for medicaid, to provide documentation of the individual's assets up to five years before the date the individual becomes an institutionalized individual if the individual is eligible for medicaid on that date or the date the individual applies for medicaid while an institutionalized individual. Documentation may include tax returns, records from financial institutions, and real property records.

Sec. 5164.38. (A) As used in this section:

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any action taken or decision made by the department of

medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;

(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.

(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(1) Refuse to enter into a provider agreement with a medicaid provider;

(2) Refuse to revalidate a medicaid provider's provider agreement;

(3) Suspend or terminate a medicaid provider's provider agreement;

(4) Take any action based upon a final fiscal audit of a medicaid provider.

(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas in accordance with section 119.12 of the Revised Code.

(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:

(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission,

department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification is inactive by any means, has been denied, revoked, not renewed, suspended, surrendered, withdrawn, retired, or otherwise restricted or limited.

(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, inactivation by any means, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid

program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) The medicaid provider's provider agreement and medicaid payments to the provider are suspended under section 5164.36 or 5164.37 of the Revised Code.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities

and ICFs/IID.

Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low case-mix resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this

section, the grouper methodology used on ~~June 30, 1999~~October 1, 2019, for the patient driven payment model nursing index, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program.

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B)(1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5165.41 and 5165.42 of the Revised Code.

(C) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;

(b) ~~Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;~~

~~(c) Express all of those case-mix values in numeric terms~~

~~that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;~~

~~(d)~~ Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:

(i) ~~Establish a different hierarchy for assigning residents to case-mix categories under the methodology;~~

~~(ii) Allow the use of the index maximizer element of the methodology;~~

~~(iii)~~ Incorporate ~~changes to~~ the grouper methodology for the patient driven payment model nursing index used by the United States department of health and human services ~~makes after June 30, 1999~~on October 1, 2019, for prospective payment of skilled nursing facilities under the medicare program;

~~(iv)~~(ii) Make other changes the department determines are necessary.

~~(e)~~(c) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

~~(f)~~(d) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

~~(g)~~(e) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to

calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.26. (A) As used in this section:

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A) and (B) of section 5165.15 of the Revised Code.

(2) "CMS" means the United States centers for medicare and medicaid services.

(3) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(4) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero.

(5) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(6) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).

(B) Subject to divisions (D) and (E) and except as

provided in division (F) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows:

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities.

(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined.

(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined.

(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section.

(5) Determine the value per quality point by determining the quotient of the following:

(a) The sum determined under division (E)(2) of this section.

(b) The product determined under division (B)(4) of this section.

(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, a nursing facility's quality score for a state fiscal year shall be the sum of the following:

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes.

(b) Seven and five-tenths points for fiscal year 2024 and three points for fiscal year 2025 and subsequent fiscal years if the nursing facility's occupancy rate is greater than seventy-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year for which the rate is determined or, if the facility

is not required to be licensed, the facility's occupancy rate for certified beds. If the facility surrenders licensed or certified beds before the first day of July of the calendar year in which the fiscal year begins, the department shall calculate a nursing facility's occupancy rate by dividing the inpatient days reported on the facility's cost report for the calendar year preceding the fiscal year for which the rate is determined by the product of the number of days in the calendar year and the facility's number of licensed, or if applicable, certified beds on the first day of July of the calendar year in which the fiscal year begins.

(c) Beginning with state fiscal year 2025, the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or successor metrics designated by CMS, based on the most recent four-quarter average data available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents whose need for help with daily activities has increased;

(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury;

(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication;

(iv) Adjusted total nurse staffing hours per resident per day using quintiles instead of deciles by using the points

assigned to the higher of the two deciles that constitute the quintile.

If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes.

(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in divisions (C)(1)(a) and (c) of this section:

(a) Unless division (C)(2)(b) or (c) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty.

(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero.

(c) If the nursing facility's total number of points calculated for or during a state fiscal year for all of the quality metrics specified in divisions (C)(1)(a), and if applicable, division (C)(1)(c) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, calculated using the points for the July 1 rate setting of that fiscal year reduce the nursing facility's points to zero until the next point calculation. If a facility's recalculated points under division (C)(3) of this section are below the number of points determined to be the twenty-fifth percentile for that fiscal year, the facility shall receive zero points for the remainder of that fiscal year.

(3) A nursing facility's quality score shall be recalculated for the second half of the state fiscal year based on the most recent four quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as the care compare, in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins. The metrics specified by division (C)(1)(b) of this section shall not be recalculated. In redetermining the quality payment for each facility based on the recalculated points, the department shall use the same per point value determined for the quality payment at the start of the fiscal year.

(D) A nursing facility shall not receive a quality incentive payment if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, on the first day of May of the calendar year for which the rate is being determined.

(E) The total amount to be spent on quality incentive payments under division (B) of this section for a fiscal year shall be determined as follows:

(1) Determine the following amount for each nursing facility:

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents plus sixty per cent of the per diem amount by which the nursing facility's rate for direct care costs determined for the fiscal year under section 5165.19 of the Revised Code changed as a result of the rebasing conducted

under section 5165.36 of the Revised Code.

(b) Multiply the amount determined under division (E)(1)(a) of this section by the number of the nursing facility's medicaid days for the calendar year preceding the fiscal year for which the rate is determined.

(2) Determine the sum of the products determined under division (E)(1)(b) of this section for all nursing facilities for which the product was determined for the state fiscal year.

(3) To the sum determined under division (E)(2) of this section, add one hundred twenty-five million dollars.

(F)(1) Beginning July 1, 2023, a new nursing facility shall receive a quality incentive payment for the fiscal year in which the new facility obtains an initial provider agreement and the immediately following fiscal year equal to the median quality incentive payment determined for nursing facilities for the fiscal year. For the state fiscal year after the immediately following fiscal year and subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section.

(2) A nursing facility that undergoes a change of operator with an effective date of July 1, ~~2023~~2025, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of operator. Thereafter any quality incentive payment shall be determined under division (C) of this section.

~~(3) A nursing facility that undergoes a change of owner with an effective date of July 1, 2023, or later shall not receive a quality incentive payment until the earlier of the~~

~~first day of January or the first day of July that is at least six months after the effective date of the change of owner if, within one year after the change of owner, there is an increase in the lease payments or other financial obligations of the operator to the owner above the payments or obligations specified by the agreement between the previous owner and the operator. Thereafter, any quality incentive payments for the facility shall be determined under division (C) of this section.~~

Sec. 5167.01. As used in this chapter:

(A) "340B ~~covered entity~~grantee" means an entity described in section 340B(a)(4)(A)-(K) of the "Public Health Service Act," 42 U.S.C. 256b(a)(4) ~~and includes any pharmacy under contract with the entity to dispense drugs on behalf of the entity~~(A)-(K) that is designated as an active (A)-(K) entity under the health resources and services administration covered entity daily report.

(B) "Affiliated company" means an entity, including a third-party payer or specialty pharmacy, with common ownership, members of a board of directors, or managers, or that is a parent company, subsidiary company, jointly held company, or holding company with respect to the other entity.

(C) "Care management system" means the system established under section 5167.03 of the Revised Code.

(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(E) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

(F) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)

(2).

(G) "Enrollee" means a medicaid recipient who participates in the care management system and enrolls in a medicaid MCO plan.

(H) "ICDS participant" ~~has~~ and "integrated care delivery system" have the same ~~meaning~~ meanings as in section 5164.01 of the Revised Code.

(I) "ICDS successor program" means a fully integrated dual eligible special needs plan established in accordance with 42 C.F.R. 422.107, that the department of medicaid utilizes as a replacement for the integrated care delivery system.

(J) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

~~(J)~~(K) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system.

~~(K)~~(L) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

~~(L)~~(M) "Network provider" has the same meaning as in 42 C.F.R. 438.2.

~~(M)~~(N) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code.

~~(N)~~(O) "Part B drug" means a drug or biological described in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 1395u(o)(1)(C).

~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code.

~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

~~(Q)~~ (R) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

~~(R)~~ (S) "Prior authorization requirement" has the same meaning as in section 5160.34 of the Revised Code.

~~(S)~~ (T) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid MCO plan, regardless of whether the person or entity has a provider agreement.

~~(T)~~ (U) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

~~(U)~~ (V) "State pharmacy benefit manager" means the pharmacy benefit manager selected by and under contract with the medicaid director under section 5167.24 of the Revised Code.

~~(V)~~ (W) "Third-party administrator" means any person who adjusts or settles claims on behalf of an insuring entity in connection with life, dental, health, prescription drugs, or disability insurance or self-insurance programs and includes a pharmacy benefit manager.

Sec. 5167.03. As part of the medicaid program, the department of medicaid shall establish a care management system. The department shall implement the system in some or all counties.

The department shall designate the medicaid recipients who are required or permitted to participate in the care management

system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established under section 5166.40 of the Revised Code shall participate in the system.

~~The~~ Except as otherwise provided in this section, the general assembly's authorization through the enactment of legislation is needed before home and community-based services available under a medicaid waiver component or nursing facility services are included in the care management system~~, except that~~ . ICDS participants, or participants in the ICDS successor program, may be required or permitted to obtain such services under the system. Medicaid recipients who receive such services may be designated for voluntary or mandatory participation in the system in order to receive other health care services included in the system.

The department may require or permit participants in the care management system to do either or both of the following:

(A) Obtain health care services from providers designated by the department;

(B) Enroll in a medicaid MCO plan.

Sec. 5167.123. (A) No contract between a medicaid managed care organization, including a third-party administrator, and a 340B ~~covered entity~~ grantee shall contain any of the following provisions:

(1) A payment rate for a prescribed drug provided by a 340B grantee to an individual as a result of health care

services provided by the grantee directly to the individual, that is less than the ~~national average drug acquisition cost rate for that drug as determined by the United States centers for medicare and medicaid services, measured at the time the drug is administered or dispensed, or, if no such rate is available at that time, a reimbursement rate that is less than the wholesale acquisition cost of the drug, as defined in 42 U.S.C. 1395w-3a(c)(6)(B)~~payment rate applied to health care providers that are not 340B grantees;

(2) A fee that is not imposed on a health care provider that is not a 340B ~~covered entity~~grantee;

(3) A fee amount that exceeds the amount for a health care provider that is not a 340B ~~covered entity~~grantee.

(B) The organization, or its contracted third-party administrators, shall not discriminate against a 340B ~~covered entity~~ grantee in a manner that prevents or interferes with a medicaid recipient's choice to receive a prescription drug from a 340B ~~covered entity or its contracted pharmacies~~grantee.

(C) Any provision of a contract entered into between the organization and a 340B ~~covered entity~~ grantee that is contrary to division (A) of this section is unenforceable and shall be replaced with the dispensing fee or payment rate that applies for health care providers that are not 340B ~~covered entities~~grantees.

(D) A medicaid managed care organization or a third-party administrator shall provide a payment rate for all prescribed drugs obtained through the federal 340B drug pricing program by providers that are not 340B grantees that is equal to the payment rate for those prescribed drugs that is specified in the

medicaid state plan.

(E) Any payment made pursuant to a payment rate described in this section is subject to audit by the department of medicaid under section 5160.20 of the Revised Code.

Sec. 5168.08. (A) Before or during each program year, the department of medicaid shall issue to each hospital the preliminary determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary determination of a hospital's assessment shall be calculated for a cost-reporting period that is specified in rules adopted under section 5168.02 of the Revised Code.

The department shall consult with hospitals each year when determining the date on which it will issue the preliminary determinations in order to minimize hospitals' cash flow difficulties.

If no hospital submits a request for reconsideration under division (B) of this section, the preliminary determination constitutes the final reconciliation of each hospital's assessment under section 5168.06 of the Revised Code. The final reconciliation ~~is~~ constitutes an interim final order and may be subject to adjustments ~~under~~ made by the United States centers for medicare and medicaid services pursuant to division (D) of this section.

(B) Not later than fourteen days after the preliminary determinations are issued, any hospital may submit to the department a written request to reconsider the preliminary determinations. The request shall be accompanied by written materials setting forth the basis for the reconsideration, which

may be delivered to the department by regular mail, electronic mail, or in-person delivery. ~~If one or more hospitals submit a request, the department shall hold a public hearing not later than thirty days after the preliminary determinations are issued to reconsider the preliminary determinations. The department shall issue to each hospital a written notice of the date, time, and place of the hearing at least ten days prior to the hearing.~~ On the basis of the evidence submitted to the department ~~or presented at the public hearing~~, the department shall reconsider and may adjust the preliminary determinations. The result of the reconsideration is the final reconciliation of the hospital's assessment under section 5168.06 of the Revised Code. The final reconciliation ~~is~~ constitutes an interim final order and may be subject to adjustments ~~under~~ by the United States centers for medicare and medicaid services pursuant to division (D) of this section.

(C) The department shall issue to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county, pursuant to Chapter 2505. of the Revised Code. The complete record of the proceedings shall include all documentation considered by the department in issuing the final reconciliation. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules

pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.11. (A) Except as provided in section 5162.52 of the Revised Code, all payments of assessments by hospitals under section 5168.06 of the Revised Code and all intergovernmental transfers under section 5168.07 of the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of medicaid shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section 5168.09 of the

Revised Code.

(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section 5162.50 of the Revised Code.

(C) All distributions of funds to hospitals under section 5168.09 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

(a) The available money in the hospital care assurance program fund;

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section 5168.14 of the Revised Code.

(D) If an audit conducted by the department, pursuant to 42 C.F.R. 455.304, of the amounts of payments made and funds received by hospitals under sections 5168.06, 5168.07, and 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay

but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:

(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive.

Payments made under division (D)(1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D)(2) of this section shall be deposited to the credit of that fund. ~~Any hospital may appeal the amount~~ An action authorized under Chapter 2721. of the Revised Code and filed in Franklin county shall be the exclusive remedy for any hospital that disagrees with the amount that the hospital is to be paid under division (D)(1) or the amount that is to be recovered from the hospital under division (D)(2) of this section ~~to the court of common pleas of Franklin county~~. While any judicial proceeding is pending under division (D) of this section, a hospital shall pay to the hospital care assurance program fund any amount identified pursuant to division (D)(2) of this section that is not in dispute.

Sec. 5168.22. (A) Before or during each assessment program year, the department of medicaid shall issue to each hospital the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration, which may be delivered to the department by regular mail, electronic mail, or in-person delivery. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county, pursuant to Chapter 2505. of the Revised Code. The complete record of the proceedings shall include all documentation considered by the department in issuing the final determination. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

Sec. ~~5104.50~~ 5180.04. (A) The governor shall create the ~~early childhood~~ children and youth advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 20 U.S.C. 1441 and shall appoint one of its members to serve as chairperson of the council with the director of children and youth serving as co-chair. The council shall serve as both the state advisory

council on early childhood education and care, as described in 42 U.S.C. 9837b(b)(1), and the state interagency coordinating council, as described in 20 U.S.C. 1441. ~~In addition to the duties specified in 42 U.S.C. 9837b(b)(1), the~~ The council shall ~~promote~~ advise the governor on the availability, accessibility, affordability, and quality of services provided through the prenatal and child-serving systems. This includes fostering a continuum of care that promotes family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

(B)(1) The advisory council shall include up to twenty-five members appointed by the governor, including the following:

(a) At least one representative of the department of children and youth;

(b) At least one representative of the department of medicaid;

(c) At least one representative of the department of job and family services;

(d) At least one representative of the department of mental health and addiction services;

(e) At least one representative of the department of education and workforce;

(f) At least one representative of the department of health;

(g) At least one representative of the department of developmental disabilities;

(h) At least one representative of the department of youth services.

(2) In making appointments to the advisory council, the governor shall ensure that the membership of the council reasonably represents the population of the state.

(C)(1) The advisory council shall create topic-specific advisory groups that address a continuum of services including the following:

(a) Early childhood education and care;

(b) Children services;

(c) Maternal and infant vitality;

(d) Early childhood mental health services and supports;

(e) Early intervention services.

(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group.

(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b)(1) and 20 U.S.C. 1441.

(4) The children and youth advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 5180.14. (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code:

(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same

meanings as in section 5104.01 of the Revised Code.

(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home.

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.

(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:

(a) The hospital has a maternity unit.

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

(6) "Infant" means a child who is less than one year of age.

(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms,

including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of children and youth shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehendible information on shaken baby syndrome;

(2) Making available on the department of children and youth web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section ~~5101.135~~ 5180.405 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials are distributed, as described in section 5180.15 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 5180.15 of the Revised Code.

Sec. 5180.21. (A) The department of children and youth

shall establish the help me grow program as the state's evidence-based parent support program that encourages early prenatal and well-baby care, as well as provides parenting education to promote the comprehensive health and development of children. The program shall provide home visiting services to families with a pregnant woman or child under five years of age that meet the eligibility requirements established in rules adopted under this section. Home visiting services shall be provided through evidence-based home visiting models or innovative, promising home visiting models recommended by the ~~Ohio home visiting consortium~~ children and youth advisory council created under section ~~5180.23~~ 5180.04 of the Revised Code.

(B) Families shall be referred to the appropriate home visiting services through the central intake and referral system created under section 5180.22 of the Revised Code.

(C) To the extent possible, the goals of the help me grow program shall be consistent with the goals of the federal home visiting program, as specified by the maternal and child health bureau of the health resources and services administration in the United States department of health and human services or its successor.

(D) The director of children and youth may enter into an interagency agreement with one or more state agencies to implement the help me grow program and ensure coordination of early childhood programs.

(E) The director may distribute help me grow program funds through contracts, grants, or subsidies to entities providing services under the program.

(F) As a condition of receiving payments for home visiting services, providers shall report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:

(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 5180.12 of the Revised Code;

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of children and youth.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;

(2) Eligibility requirements for providers of home visiting services;

(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;

(4) Procedures for appealing the denial of an application for program services or the termination of services;

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;

(6) Procedures for addressing complaints;

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;

(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;

(9) Criteria for payment of approved providers of program services;

(10) Any other rules necessary to implement the program.

(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.

Sec. 5180.22. (A) The department of children and youth shall create a central intake and referral system for all home visiting programs operating in this state. Through a competitive bidding process, the department of children and youth may select one or more persons or government entities to operate the system.

(B) If the department of children and youth chooses to select one or more system operators as described in division (A) of this section, a contract with any system operator shall require that the system do both of the following:

(1) Serve as a single point of entry for access, assessment, and referral of families to appropriate home visiting services based on each family's location of residence;

(2) Use a standardized form or other mechanism to assess for each family member's risk factors and social determinants of health, as well as ensure that the family is referred to the appropriate home visiting program, which may include a program that uses home visiting contractors who provide services within a community HUB that fully or substantially complies with the pathways community HUB certification standards developed by the pathways community HUB institute.

(C) The standardized form or other mechanism described in division (B)(2) of this section shall be agreed to by the home visiting consortium created under section 5180.23 of the Revised Code.

(D) A contract entered into under division (B) of this section shall require a system operator to issue an annual report to the department of children and youth that includes data regarding referrals made by the central intake and referral

system, costs associated with the referrals, and the quality of services received by families who were referred to services through the system. The report shall be distributed to the ~~home visiting consortium~~ children and youth advisory council created under section ~~5180.23~~ 5180.04 of the Revised Code.

(E) Nothing in this section is intended to do any of the following:

(1) Prohibit the department of children and youth from using alternative promotional materials or names for the central intake and referral system;

(2) Require the use of help me grow program promotional materials or names;

(3) Prohibit providers, central coordinators, the department of children and youth, or stakeholders from using the help me grow name for promotional materials for home visiting.

Sec. ~~5101.76~~ 5180.26. (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine autoinjectors for use in emergency situations identified under division (C)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code, personally furnish the epinephrine autoinjectors to the camp or issue a prescription

for them in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them.

A camp that elects to procure epinephrine autoinjectors under this section is encouraged to maintain at least two epinephrine autoinjectors at all times.

(B) A camp that elects to procure epinephrine autoinjectors under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C)(5) of this section;

(4) Specify any training that employees or contractors specified under division (C)(3) of this section must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an

individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section.

(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee or contractor;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A camp may accept donations of epinephrine

autoinjectors from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(F) A camp that elects to procure epinephrine autoinjectors under this section shall report to the department of children and youth each procurement and occurrence in which an epinephrine autoinjector is used from a camp's supply of epinephrine autoinjectors.

(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

Sec. ~~5101.77~~ 5180.261. (A) As used in this section, "inhaler" means a device that delivers medication to alleviate asthmatic symptoms, is manufactured in the form of a metered dose inhaler or dry powdered inhaler, and may include a spacer, holding chamber, or other device that attaches to the inhaler and is used to improve the delivery of the medication.

(B) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure inhalers for use in emergency situations identified under division (D)(5) of this section. A camp that elects to procure inhalers under this section is encouraged to maintain at least two inhalers at all times.

(C) A camp that elects to procure inhalers under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(D) A component of a policy adopted by a camp under division (C) of this section shall be a prescriber-issued protocol specifying definitive orders for inhalers, including the dosages of medication to be administered through them, the number of times that each inhaler may be used before disposal, and the methods of disposal. The policy also shall do all of the following:

(1) Identify the one or more locations in which an inhaler must be stored;

(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D)(5) of this section;

(4) Specify any training that employees or contractors specified under division (D)(3) of this section must complete before being authorized to access and use an inhaler;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which employees or contractors specified under division (D)(3) of this section may access and use an inhaler;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee

or contractor, other than a licensed health professional, uses an inhaler;

(7) Specify the individuals to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D)(5) of this section.

(E) A camp or camp employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A camp may accept donations of inhalers from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(G) A camp that elects to procure inhalers under this section shall report to the department of children and youth each procurement and occurrence in which an inhaler is used from a camp's supply of inhalers.

Sec. ~~5101.78~~ 5180.262. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) A residential camp, as defined in section 2151.011 of

the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure injectable or nasally administered glucagon for use in emergency situations identified under division (D)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.4811, 4730.437, or 4731.92 of the Revised Code, personally furnish the injectable or nasally administered glucagon to the camp or issue a prescription for the drug in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for injectable or nasally administered glucagon and the dosages to be administered;

A camp that elects to procure injectable or nasally administered glucagon under this section is encouraged to maintain at least two doses of the drug at all times.

(C) A camp that elects to procure injectable or nasally administered glucagon under this section shall adopt a policy governing maintenance and use of the drug. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(D) The policy adopted under division (C) of this section shall do all of the following:

(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be

stored;

(2) Specify the conditions under which injectable or nasally administered glucagon must be stored, replaced, or disposed;

(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;

(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee, contractor, or volunteer;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section;

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp; camp employee, contractor, or volunteer; or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A camp may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(G) A camp that elects to procure injectable or nasally administered glucagon under this section shall report to the department of children and youth each procurement and each occurrence in which a dose of the drug is used from the camp's supply.

Sec. ~~3738.01~~ 5180.27. (A) As used in this section and sections ~~3738.02~~ 5180.271 to ~~3738.09~~ 5180.278 of the Revised Code, "pregnancy-associated death" means the death of a woman while pregnant or anytime within one year of pregnancy regardless of cause.

(B) There is hereby established in the department of ~~health~~ children and youth a pregnancy-associated mortality review (PAMR) board to identify and review all pregnancy-

associated deaths statewide for the purpose of reducing the incidence of those deaths.

Sec. ~~3738.02~~ 5180.271. The PAMR board may not conduct a review of a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the PAMR board of the conclusion.

Sec. ~~3738.03~~ 5180.272. All of the following apply with respect to the PAMR board:

(A) The director of ~~health~~ children and youth shall appoint the board's members. In doing so, the director shall make a good faith effort to select members who represent all regions of the state and multiple areas of expertise and constituencies concerned with the care of pregnant and postpartum women.

(B) The board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. The board may replace a chairperson in the same manner.

(C) An appointed member shall hold office until a successor is appointed. The director of ~~health~~ children and youth shall fill a vacancy as soon as practicable.

(D) A member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board.

(E) The board shall meet at the call of the board's

chairperson as often as the chairperson determines necessary for timely completion of pregnancy-associated death reviews. The reviews shall be conducted in accordance with rules adopted under section ~~3738.09~~ 5180.278 of the Revised Code.

(F) The department of ~~health~~ children and youth shall provide meeting space, staff services, and other technical assistance required by the board in carrying out its duties.

Sec. ~~3738.04~~ 5180.273. The PAMR board shall seek to reduce the incidence of pregnancy-associated deaths in this state by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, and entities that serve pregnant and postpartum women and families;

(B) Recommending and developing plans for implementing service and program changes, as well as changes to the groups, professions, agencies, and entities that serve pregnant and postpartum women and families;

(C) Providing the department of ~~health~~ children and youth with aggregate data, trends, and patterns regarding pregnancy-associated deaths using data and other relevant information specified in rules adopted under section ~~3738.09~~ 5180.278 of the Revised Code;

(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women.

Sec. ~~3738.05~~ 5180.274. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, and except as provided in division (B) of this section, an individual, government entity, agency that provides services specifically to individuals or families, law

enforcement agency, health care provider, or other public or private entity that provided services to a woman whose death is being reviewed by the PAMR board shall submit to the board a copy of any record it possesses that the board requests. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation.

(B) No person, government entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review.

(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation.

Sec. ~~3738.06~~ 5180.275. (A) Any record, document, report, or other information presented to the PAMR board, as well as all statements made by board members during board meetings, all work products of the board, and data submitted to the department of ~~health~~ children and youth by the board, other than the biennial reports described in section ~~3738.08~~ 5180.277 of the Revised Code, are confidential and not a public record under section 149.43 of the Revised Code. Such materials shall be used by the board and department only in the exercise of the proper functions of the board and department.

(B) No person shall permit or encourage the unauthorized dissemination of confidential information described in division (A) of this section.

~~(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree.~~

Sec. ~~3738.07~~ 5180.276. (A) An individual or public or private entity providing records, documents, reports, or other information to the PAMR board is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the records, documents, reports, or information to the board.

(B) Each board member is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the board.

Sec. ~~3738.08~~ 5180.277. (A) The PAMR board shall prepare a biennial report that does all of the following:

(1) Summarizes the board's findings from the reviews completed in the immediately preceding two calendar years, including any trends or patterns identified by the board;

(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws;

(3) Includes any other information related to pregnancy-associated mortality the board considers useful.

(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board.

(C) The board shall submit a copy of each report to the director of ~~health~~children and youth, the general assembly, and the governor. The copy to the general assembly shall be

submitted in accordance with section 101.68 of the Revised Code. The initial report shall be submitted not later than March 1, 2020, with subsequent reports submitted not later than March 1 every two years thereafter.

The director shall make a copy of each report available on the department of ~~health's~~ children and youth's web site.

(D) Reports prepared under this section are public records under section 149.43 of the Revised Code.

Sec. ~~3738.09~~ 5180.278. The director of ~~health~~ children and youth shall adopt rules that are necessary for the implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 of the Revised Code, including rules that do all of the following:

(A) Establish a procedure for the PAMR board to follow in conducting pregnancy-associated death reviews;

(B) Specify the data and other relevant information the board must use when conducting pregnancy-associated death reviews;

(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section ~~3738.06~~ 5180.275 of the Revised Code.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. ~~5101.13~~ 5180.40. (A) The department of children and youth shall establish and maintain a uniform statewide automated child welfare information system in accordance with the requirements of 42 ~~U.S.C.A.~~U.S.C. 674(a)(3)(C) and related

federal regulations and guidelines. The information system shall contain records regarding any of the following:

(1) Investigations of children and families, and children's care in out-of-home care, in accordance with sections 2151.421 and 5153.16 of the Revised Code;

(2) Care and treatment provided to children and families;

(3) Any other information related to children and families that state or federal law, regulation, or rule requires the department or a public children services agency to maintain.

(B) ~~The department shall plan implementation of the information system on a county-by-county basis and shall finalize statewide implementation by all public children services agencies as described in section 5153.02 of the Revised Code not later than January 1, 2008.~~

~~(C) The department shall promptly notify all public children services agencies of the initiation and completion of statewide implementation of the statewide information system established under division (A) of this section.~~

~~(D)~~ "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.

Sec. ~~5101.131~~ 5180.401. Except as provided in section ~~5101.132~~ 5180.402 of the Revised Code, information contained in or obtained from the information system established and maintained under section ~~5101.13~~ 5180.40 of the Revised Code is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.

Sec. ~~5101.132~~ 5180.402. (A) Information contained in the information system established and maintained under section

~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered only as follows:

(1) The department of job and family services, the department of children and youth, a public children services agency, a title IV-E agency, a prosecuting attorney, a private child placing agency, and a private noncustodial agency may access or enter the information when either of the following is the case:

(a) The access or entry is directly connected with assessment, investigation, or services regarding a child or family;

(b) The access or entry is permitted by state or federal law, rule, or regulation.

(2) A person may access or enter the information in a manner, to the extent, and for the purposes authorized by rules adopted by the department.

(B) As used in this section, "title IV-E agency" means a public children services agency or a public entity with which the department of job and family services or department of children and youth has a title IV-E subgrant agreement in effect.

Sec. ~~5101.133~~ 5180.403. No person shall access or use information contained in the information system established and maintained under section ~~5101.13~~ 5180.40 of the Revised Code other than in accordance with section ~~5101.132~~ 5180.402 of the Revised Code or rules authorized by that section.

No person shall disclose information obtained from the information system established and maintained under section ~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by

rules authorized by section ~~5101.134~~ 5180.404 of the Revised Code.

Sec. ~~5101.134~~ 5180.404. (A) Notwithstanding any provision of the Revised Code that requires confidentiality of information that is contained in the uniform statewide automated child welfare information system established in section ~~5101.13~~ 5180.40 of the Revised Code, the department of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a private child placing agency's or private noncustodial agency's access, data entry, and use of information in the uniform statewide automated child welfare information system.

(B)(1) The department of children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 5180.403 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A)(2) of section ~~5101.132~~ 5180.402 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section ~~5101.13~~ 5180.40 of the Revised Code in accordance with rules adopted by the department.

Sec. ~~5101.135~~ 5180.405. (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section ~~5101.13~~ 5180.40 of the Revised

Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome.

(B) On the first day of March of each year, the department of children and youth shall report to the director of health the number of reports of child abuse that arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome and that arose during the calendar year immediately preceding the calendar year in which the report is made, as determined by an examination of the statewide automated child welfare information system established and maintained under section ~~5101.13~~ 5180.40 of the Revised Code.

(C) As used in this section, "shaken baby syndrome" has the same meaning as in section 5180.14 of the Revised Code.

Sec. ~~5101.136~~ 5180.406. If a person requests the department of ~~job and family services~~ children and youth to conduct a search of whether that person's name has been placed or remains in the statewide automated child welfare information system as an alleged perpetrator of child abuse or neglect and a search reveals that a "substantiated" disposition exists, the department shall send a letter to the person who requested the search indicating a "match."

Sec. ~~5101.137~~ 5180.407. The department of ~~job and family services~~ children and youth shall work with stakeholders to establish an expungement policy regarding dispositions of child abuse or neglect in Ohio's central registry on child abuse and neglect by March 1, 2024.

Sec. ~~5101.14~~ 5180.41. (A) As used in this section and section ~~5101.144~~ 5180.411 of the Revised Code, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.

(B) Within available funds, the department of children and youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section ~~5101.144~~ 5180.411 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2)

of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of children and youth may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1) Rules that are necessary for the allocation of funds under this section;

(2) Rules prescribing reports on expenditures to be

submitted by the counties as necessary for the implementation of this section.

Sec. ~~5101.144~~ 5180.411. Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children services fund. A county shall use money in the fund only for the purposes of meeting the expenses of providing children services.

Sec. ~~5101.141~~ 5180.42. (A) As used in sections ~~5101.141~~ 5180.42 to ~~5101.1417~~ 5180.4214 of the Revised Code:

(1) "Adopted young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency;

(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;

(c) Who has attained the age of eighteen; and

(d) Who has not yet attained the age of twenty-one.

(2) "Child" means any of the following:

(a) A person who meets the requirements of division (B)(3) of section 5153.01 of the Revised Code;

(b) An adopted young adult;

(c) An emancipated young adult.

(3) "Emancipated young adult" means a person:

(a) Who was in the temporary or permanent custody of a

public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such

relatives with the prefix "great," "great-great," "grand," or "great-grand";

(iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings of the child;

(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;

(d) A legal guardian of the child;

(e) A legal custodian of the child;

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

(6) "Representative" means a person with whom the department of children and youth has entered into a contract, pursuant to division (B)(2)(b) of this section.

(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.

(B)(1) Except as provided in divisions (B)(2)~~,~~ and (3)~~, and (4)~~ of this section, the department of children and youth shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of children and youth shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements

applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.

~~(2) If the~~ (2)(a) The department shall implement the state plan ~~is~~ as amended under ~~divisions (A) and (B) of~~ section ~~5101.1411~~ 5180.428 of the Revised Code~~, both of the following shall apply:~~

~~(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:~~

~~(i) The plan as amended is approved by the secretary of health and human services;~~

~~(ii) The~~ if the general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

(3) ~~If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply:~~

~~(a) Implementation of the amendments to the plan shall begin fifteen months after September 30, 2021, if both of the~~

~~following apply:~~

~~(i) The plan as amended is approved by the secretary of health and human services.~~

~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~

~~(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~

~~(4) If~~ The department shall implement the state plan ~~is~~ as amended under section ~~5101.1416~~ 5180.4213 of the Revised Code~~, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after September 30, 2021~~.

(C)(1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B)(2)(b) ~~and (B)(3)(b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

(c) Reasonable travel to the child's home for visitation.

(2) In addition to payments made under division (C)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following:

(a) Liability insurance with respect to the child;

(b) If the county is participating in the demonstration project established under division (A) of section ~~5101.142~~ 5180.421 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section, Title IV-E kinship guardianship assistance, or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance, kinship guardianship assistance, and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section ~~5101.144~~ 5180.411 of the Revised Code.

~~(G)~~ (G)(1) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(2) The department may issue a request for proposals to establish statewide rate cards for placement and care of children eligible for foster care maintenance payments. If a request for proposals is issued, the department shall review and accept the reasonable cost of providing the items described in division (C) of this section.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on

behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing kinship guardianship assistance or adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. ~~5101.142~~ 5180.421. (A) The department of children and youth may apply to the United States secretary of health and human services for a waiver of requirements established under Title IV-E, or regulations adopted thereunder, to conduct a demonstration project expanding eligibility for and services provided under Title IV-E. The department may enter into agreements with the secretary necessary to implement the demonstration project, including agreements establishing the terms and conditions of the waiver authorizing the project. If a demonstration project is to be established, the department shall do all of the following:

(1) Have the director of children and youth adopt rules in accordance with Chapter 119. of the Revised Code governing the project. The rules shall be consistent with the agreements the department enters into with the secretary.

(2) Enter into agreements with public children services agencies that the department selects for participation in the project. The department shall not select an agency that objects to participation or refuses to be bound by the terms and conditions of the project.

(3) Contract with persons or governmental agencies providing services under the project;

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as needed to implement the project;

(5) Conduct ongoing evaluations of the project;

(6) Perform other administrative and operational activities required by the agreement with the secretary.

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," ~~81 Stat. 821,~~ 42 ~~U.S.C.A.~~U.S.C. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

Sec. ~~5101.145~~ 5180.422. (A) In adopting rules under section ~~5101.141~~ 5180.42 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of children and youth ~~shall~~ may establish both of the following:

(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A)(2) of this section shall ~~be implemented not later than October 1, 2003. The procedures shall~~ be used to do both of the following:

(1) Determine which of the costs are reimbursable under Title IV-E;

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (B)(1) of this section.

Sec. ~~5101.146~~ 5180.423. The department of children and youth shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children to comply with procedures the department establishes to ensure fiscal accountability:

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:

(1) For public children services agencies, the department may take any action permitted under division (C)(2), (4), (5), or (6) of section 5101.24 of the Revised Code.

(2) For private child placing agencies or private

noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section ~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of the Revised Code;

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section ~~5101.141~~ 5180.42 of the Revised Code.

Sec. ~~5101.147~~ 5180.424. If a public children services agency fails to comply with the fiscal accountability procedures established by the department of children and youth, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that has entered into a contract for services with the private child placing agency or private noncustodial agency.

Sec. ~~5101.148~~ 5180.425. If the department of children and youth sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside.

Sec. ~~5101.149~~ 5180.426. Money from the children services fund shall not be used to provide a personal loan to any individual.

Sec. ~~5101.1410~~ 5180.427. In addition to the remedies available under sections ~~5101.146 and~~ 5101.24 and 5180.423 of the Revised Code, the department of children and youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case:

(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section ~~5101.141~~ 5180.42 of the Revised Code.

(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report.

(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed.

(D) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report is not the direct result of a written directive concerning the agency or entity's cost report that the department issued to the agency or entity.

Sec. ~~5101.1411~~ 5180.428. (A)(1) The director of ~~job and family services~~ children and youth shall~~, not later than nine months after September 13, 2016, the effective date of H.B. 50~~

~~of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any emancipated young adult who meets the following requirements:

(a) The emancipated young adult signs a voluntary participation agreement.

(b) The emancipated young adult satisfies division (D) of this section.

(2) Any emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time.

(B)(1) The director of ~~job and family services~~ children and youth shall~~, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the adopted young adult.

(c) The adopted young adult satisfies division (D) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C)(1) The director of ~~job and family services~~ children and youth shall~~, not later than nine months after September 30, 2021, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements:

(a) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order.

(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen.

(b) The relative maintains parental responsibility for the kinship guardianship young adult.

(c) The kinship guardianship young adult satisfies division (D) of this section.

(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one.

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section.

(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the

payments at any time.

(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance and the kinship guardianship young adult, or a parent receiving adoption assistance payments and the adopted young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351~~, 122 Stat. 3949~~.

(2) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.

(G) Any determination by the department of ~~job and family services or the department of~~ children and youth that denies or terminates foster care assistance, kinship guardianship assistance, ~~kinship support program payments,~~ or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code.

Sec. ~~5101.1412~~ 5180.429. (A) Without the approval of a court, an emancipated young adult who receives payments, or on whose behalf payments are received, under division (A) of section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a voluntary participation agreement with the department of children and youth, or its representative, for the emancipated

young adult's care and placement. The agreement shall stay in effect until one of the following occurs:

(1) The emancipated young adult enrolled in the program notifies the department, or its representative, that they want to terminate the agreement.

(2) The emancipated young adult becomes ineligible for the program.

(B) In order to maintain Title IV-E eligibility for the emancipated young adult, both of the following apply:

(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative.

(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence.

Sec. ~~5101.1413~~ 5180.4210. Notwithstanding section ~~5101.141~~ 5180.42 of the Revised Code and any rules adopted thereunder, the department of children and youth shall pay the full nonfederal share of payments made pursuant to section ~~5101.1411~~ 5180.428 of the Revised Code. No public children services agency shall be responsible for the cost of any payments made pursuant to section ~~5101.1411~~ 5180.428 of the Revised Code.

Sec. ~~5101.1414~~ 5180.4211. (A) The department of children and youth shall adopt rules necessary to carry out the purposes of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the Revised Code, including rules that do all of the following:

(1) Allow an emancipated young adult described in division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or an adopted young adult whose adoptive parents are receiving adoption assistance payments, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities;

(2) Require that a thirty-day notice of termination be given by the department to an emancipated young adult described in division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is receiving foster care payments, or on whose behalf such foster care payments are received, or to a parent receiving adoption assistance payments for an adopted young adult described in division (B)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code, who is determined to be ineligible for payments;

(3) Establish the scope of practice and training necessary for case managers and supervisors who care for emancipated young adults described in division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised Code who are receiving foster care payments, or on whose behalf such foster care payments are received, under section ~~5101.1411~~ 5180.428 of the Revised Code.

(B) The department of children and youth shall create an advisory council to evaluate and make recommendations for statewide implementation of sections ~~5101.1411~~ 5180.428 and ~~5101.1412~~ 5180.429 of the Revised Code.

Sec. ~~5101.1415~~ 5180.4212. The provisions of divisions (A) and (D) to (G) of section ~~5101.1411~~ 5180.428 of the Revised Code shall not apply if the person is eligible for temporary or permanent custody until age twenty-one pursuant to a dispositional order under sections 2151.353, 2151.414, and 2151.415 of the Revised Code.

Sec. ~~5101.1416~~ 5180.4213. (A) ~~Not later than nine months after the effective date of this section, the~~ The director of ~~job and family services~~ children and youth shall ~~submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E on behalf of a child to a relative who meets the following requirements:

(1) The relative has cared for the eligible child pursuant to division (B) of this section as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(2) Both of the following apply:

(a) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(b) The relative has committed to care for the child on a permanent basis.

(3) The relative signs a kinship guardianship assistance agreement required by 42 U.S.C. 673.

(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met:

(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(2) The child has been eligible for foster care maintenance payments under section ~~5101.141~~ 5180.42 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section.

(3) Returning the child home or adoption of the child are not appropriate permanency options for the child.

(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child.

(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement.

Sec. ~~5101.1417~~ 5180.4214. The department of children and youth shall adopt rules necessary to carry out the purposes of sections ~~5101.141~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following:

(A) Allow a kinship guardianship young adult described in division (C) of section ~~5101.1411~~ 5180.428 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities;

(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in division (C) of section ~~5101.1411~~ 5180.428 of the Revised Code, who is determined to be ineligible for assistance.

Sec. ~~5101.1418~~ 5180.43. (A)(1) If, after a child's adoption is finalized, the department of children and youth considers the child to be in need of public care or protective services, the department may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the department may make post adoption special services subsidy payments on behalf of the child as needed when both of the following apply:

(a) The child has a physical or developmental disability or mental or emotional condition that either:

(i) Existed before the adoption petition was filed; or

(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources.

(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.

(3) The department shall establish clinical standards to

evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services.

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(7) The department may contract with another person to carry out any of the duties described in this section.

(B) No payment shall be made on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically disabled person twenty-one years of age or older.

(C) The director of children and youth shall adopt rules

in accordance with Chapter 119. of the Revised Code necessary to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) Standards for determining the children who qualify to receive assistance provided under this section;

(3) The method of determining the amount, duration, and scope of services provided to a child;

(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department;

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

~~(D) The department shall implement this section not later than July 1, 2022.~~

Sec. ~~5101.15~~ 5180.44. Within available funds the department of children and youth may reimburse counties in accordance with this section for a portion of the salaries paid to child welfare workers employed under section 5153.12 of the Revised Code. No county with a population of eighty thousand or less, according to the latest census accepted by the department as official, shall be entitled to reimbursement on the salaries of more than two child welfare workers, and no county with a population of more than eighty thousand, according to such census, shall be entitled to reimbursement on the salaries of more than two child welfare workers plus one additional child welfare worker for each one hundred thousand of population in

excess of eighty thousand.

The maximum reimbursement to which a county may be entitled on any child welfare worker shall be as follows:

(A) Twenty-seven hundred dollars a year for a child welfare worker who is a graduate of an accredited high school, college, or university;

(B) Thirty-three hundred dollars a year for a child welfare worker who has one year or more of graduate training in social work or a field which the department finds to be related to social work;

(C) Thirty-nine hundred dollars a year for a child welfare worker who has completed two years of social work training.

The salary of the executive director, designated in accordance with section 5153.10 of the Revised Code, shall be subject to reimbursement under this section, provided that the executive director qualifies under division (A), (B), or (C) of this section. No funds shall be allocated under this section until the director of children and youth has approved a plan of child welfare services for the county submitted by the public children services agency.

Sec. ~~5101.19~~ 5180.45. As used in sections ~~5101.19~~ 5180.45 to ~~5101.194~~ 5180.454 of the Revised Code:

(A) "Adopted child" means a person who is less than eighteen years of age when the person becomes subject to a final order of adoption, an interlocutory order of adoption, or when the adoption is recognized by this state under section 3107.18 of the Revised Code.

(B) "Adoption" includes an adoption arranged by an

attorney, a public children services agency, private child placing agency, or a private noncustodial agency, an interstate adoption, or an international or foreign adoption.

(C) "Adoptive parent" means the person or persons who obtain parental rights and responsibilities over an adopted child pursuant to a final order of adoption, an interlocutory order of adoption, or an adoption recognized by this state under section 3107.18 of the Revised Code.

(D) "Casework services" means services performed or arranged by a public children services agency, private child placing agency, private noncustodial agency, or public entity with whom the department of children and youth has a Title IV-E subgrant agreement in effect, to manage the progress, provide supervision and protection of the child and the child's parent, guardian, or custodian.

(E) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(F) "Qualified professional" means an individual that is, but not limited to, any one of the following:

(1) Audiologist;

(2) Orthopedist;

(3) Physician;

(4) Certified nurse practitioner;

(5) Physician assistant;

(6) Psychiatrist;

(7) Psychologist;

(8) School psychologist;

(9) Licensed marriage and family therapist;

(10) Speech and language pathologist;

(11) Licensed independent social worker;

(12) Licensed professional clinical counselor;

(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;

(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

(G) "Special needs" means any of the following:

(1) A developmental disability as defined in section 5123.01 of the Revised Code;

(2) A physical or mental impairment that substantially limits one or more of the major life activities;

(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;

(4) Any mental or psychological disorder;

(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.

Sec. ~~5101.191~~ 5180.451. (A) The director of children and youth shall establish and administer the Ohio adoption grant program in accordance with sections ~~5101.19~~ 5180.45 to ~~5101.194~~ 5180.454 of the Revised Code.

(B) The director shall provide ~~one, but not both,~~either of

the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section ~~5101.192~~ 5180.452 of the Revised Code, but not division (B) of that section, are satisfied regarding the child:

(1) Ten thousand dollars;

(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption.

(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section ~~5101.192~~ 5180.452 of the Revised Code are satisfied regarding the child.

(D) The payment described in divisions (B) and (C) of this section shall be provided to all eligible applicants to the extent state funds are available for this purpose.

Sec. ~~5101.192~~ 5180.452. (A) To receive a grant payment under division (B) of section ~~5101.191~~ 5180.451 of the Revised Code, all of the following must be satisfied:

(1) The adoptive parent has not previously received a grant payment from the Ohio adoption grant program for the adopted child for whom the parent is seeking payment.

(2) The adoptive parent does not also currently claim an adoption tax credit pursuant to former section 5747.37 of the Revised Code for the adopted child for whom the parent is seeking payment.

(3) The adoptive parent applies for the grant not later than one year after the final adoption order, interlocutory order of adoption, or recognition of the adoption by this state

under section 3107.18 of the Revised Code for the adopted child for whom the grant payment is sought.

(4) The adoption was not by a parent whose spouse is a biological or adoptive parent of the child prior to the adoption for which the payment is sought.

(5) The adoption is finalized on or after January 1, 2023.

(6) The adoptive parent was a resident of Ohio at the time the adoption was finalized.

(B) To receive a grant payment under division (C) of section ~~5101.191~~ 5180.451 of the Revised Code, both of the following must be satisfied:

(1) The requirements of division (A) of this section must be satisfied.

(2) A qualified professional who does not provide casework services to the adopted child diagnoses the child with one or more special needs in the professional's area of expertise prior to the final order of adoption, interlocutory order of adoption, or recognition of the adoption by this state under section 3107.18 of the Revised Code.

Sec. ~~5101.193~~ 5180.453. (A) The director of children and youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section ~~5101.191~~ 5180.451 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue Service.

(B) No application fee shall be charged for the grant program.

(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following:

(1) ~~The submission~~ Certified copies of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code;

(2) Any department, agency, court, or division of the state, including the department of health, to provide any document related to the adoption.

~~(D)~~ (D)(1) No person shall knowingly produce or submit any false or misleading documentation or information to the department of children and youth in an effort to qualify for or obtain a grant from the Ohio adoption grant program.

(2) Whoever violates division (D)(1) of this section is guilty of falsification in accordance with section 2921.13 of the Revised Code.

(E) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. ~~5101.194~~ 5180.454. Any document provided to the department of children and youth under division (C) of section ~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ :

(A) A public record under section 149.43 of the Revised

Code if it was a public record under that section before being provided to the department;

(B) Confidential if it was confidential under any state or federal law before being provided to the department.

Sec. ~~5101.85~~ 5180.50. As used in sections ~~5101.851~~ 5180.51 to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

(A) The following individuals related by blood or adoption to the child:

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(2) Siblings;

(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(4) First cousins and first cousins once removed.

(B) Stepparents and stepsiblings of the child;

(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;

(D) A legal guardian of the child;

(E) A legal custodian of the child;

(F) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

Sec. ~~5101.851~~ 5180.51. The department of children and

youth shall establish a statewide kinship care navigator program to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall provide to kinship caregivers information and referral services and assistance obtaining support services including the following:

(A) Publicly funded child care;

(B) Respite care;

(C) Training related to caring for special needs children;

(D) A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;

(E) Legal services.

Sec. ~~5101.853~~ 5180.511. The director of children and youth shall divide the state into not less than five and not greater than twelve regions, for the kinship care navigator program under section ~~5101.851~~ 5180.51 of the Revised Code. The director shall take the following into consideration when establishing the regions:

(A) The population size;

(B) The estimated number of kinship caregivers;

(C) The expertise of kinship navigators;

(D) Any other factor the director considers relevant.

Sec. ~~5101.854~~ 5180.512. The program in each kinship care navigator region established under section ~~5101.853~~ 5180.511 of

the Revised Code shall provide information and referral services and assistance in obtaining support services for kinship caregivers within its region.

Sec. ~~5101.855~~ 5180.513. The department of children and youth shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

Sec. ~~5101.856~~ 5180.514. (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.

(2) The director of children and youth shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," ~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

Sec. ~~5101.802~~ 5180.52. (A) As used in this section:

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child's custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;

(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not

exceed three hundred per cent of the federal poverty guidelines.

(6) The kinship caregiver is not receiving kinship guardianship assistance under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended, or the program described in section ~~5101.1411~~ 5180.428 of the Revised Code or the program described in section 5153.163 of the Revised Code.

(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of children and youth shall supervise public children services agencies' duties under this section.

(E) The director of children and youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B.

119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.

Sec. ~~5101.88~~ 5180.53. As used in sections ~~5101.881~~ 5180.531 to ~~5101.8811~~ 5180.536 of the Revised Code:

(A) "Cost-of-living adjustment" has the same meaning as in section 5107.04 of the Revised Code.

(B) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

Sec. ~~5101.881~~ 5180.531. There is hereby established the kinship support program. The department of children and youth shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose.

Sec. ~~5101.884~~ 5180.532. The kinship support program shall provide financial payments to kinship caregivers who:

(A) Receive placement of a child who is in the temporary or permanent custody of a public children services agency or under the Title IV-E agency with legal responsibility for the care and placement of the child; and

(B) Do not have foster home certification under section 5103.03 of the Revised Code.

Sec. ~~5101.885~~ 5180.533. Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of children and youth shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment made in the immediately preceding December.

Sec. ~~5101.886~~ 5180.534. Kinship support program payments shall be made to kinship caregivers ~~as follows:~~

~~(A) For not more than nine months after the effective date of this section, if a child has been placed with the kinship caregiver as of the effective date of this section;~~

~~(B) For not more than than nine months after the placement of a child with the kinship caregiver, if the placement occurs during the nine-month period that begins on the effective date of this section;~~

~~(C) For~~ for not more than six months after the date of placement of a child with the kinship caregiver~~, if the placement occurs after the nine-month period that began on the effective date of this section~~.

Sec. ~~5101.887~~ 5180.535. Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall cease when any of the following occur:

(A) The kinship caregiver obtains foster home certification under section 5103.03 of the Revised Code.

(B) In accordance with section ~~5101.886~~ 5180.534 of the Revised Code;

(C) Placement with the kinship caregiver is terminated or otherwise ceases.

Sec. ~~5101.8811~~ 5180.536. The director of children and youth may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code.

Sec. ~~5101.8812~~ 5180.56. Benefits and services provided under the kinship guardianship assistance program, extended

kinship guardianship assistance program, kinship support program, and kinship permanency incentive program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, ~~guardianship~~garnishment, and other like processes.

Sec. ~~5101.889~~ 5180.57. A kinship caregiver, on obtaining foster home certification under section 5103.03 of the Revised Code, shall receive foster care maintenance payments equal to the custodial agency rate as determined by the certifying agency, which is either the custodial agency, private child placing agency, or private non-custodial agency.

Sec. ~~5101.34~~ 5180.70. (A) There is hereby created in the department of children and youth the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, children and youth, rehabilitation and correction, mental health and addiction services, youth services, and education and workforce, or their designees;

(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) Members appointed to the Ohio commission on fatherhood shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors or their designees shall serve on the commission until they cease, or the director a designee represents ceases, to be director. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the

member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary expenses.

Sec. ~~5101.341~~ 5180.701. (A) The Ohio commission on fatherhood shall elect a chairperson from among its members in every odd-numbered year.

(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of children and youth or the director's designee.

The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service.

The department of children and youth shall provide staff and other support services as necessary for the commission to fulfill its duties.

(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission.

Sec. ~~5101.342~~ 5180.702. The Ohio commission on fatherhood shall do both of the following:

(A) Organize a state summit on fatherhood every four years;

(B) Prepare a report each year that does the following:

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:

(a) Build the parenting skills of fathers;

(b) Provide employment-related services for low-income, noncustodial fathers;

(c) Prevent premature fatherhood;

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;

(e) Reconcile fathers with their families;

(f) Increase public awareness of the critical role fathers play.

(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes;

(3) Evaluates the number of fathers and children served and the number and types of additional services provided as a

result of the recommendations made to the director of job and family services pursuant to section ~~5101.805~~ 5180.704 of the Revised Code.

The commission shall submit each report to the general assembly in accordance with section 101.68 of the Revised Code.

(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised Code, the commission may make recommendations to the director of ~~job and family services~~ children and youth regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601.

(D) The portion of the report prepared pursuant to division (B)(2) of this section shall be prepared by the commission in collaboration with the director of children and youth.

(E) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section ~~5101.341~~ 5180.701 of the Revised Code.

Sec. ~~5101.343~~ 5180.703. Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio commission on fatherhood.

Sec. ~~5101.805~~ 5180.704. (A) Subject to division (E) of section 5101.801 of the Revised Code, the Ohio commission on fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised Code, may make recommendations to the director of ~~job and family~~

~~services~~ children and youth concerning the funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601.

(B) The department of ~~job and family services~~ children and youth may provide funding under this section to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division (B)(4) of section 5101.801 of the Revised Code.

Sec. ~~5101.804~~ 5180.71. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of children and youth may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement

with an entity only if it meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;

(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach;

(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received;

(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising;

(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender.

(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities;

(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising.

(D) The director of children and youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio parenting and pregnancy program.

Sec. ~~3701.65~~ 5180.72. (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who voluntarily elect to obtain "choose life" license plates pursuant to section 4503.91 of the Revised Code and any money returned to the fund under division (E)(1)(d) of this section. All investment earnings of the fund shall be credited to the fund.

(B)(1) At least annually, the director of ~~health~~ children and youth shall distribute the money in the fund to any private, nonprofit organization that is eligible to receive funds under this section and that applies for funding under division (C) of this section.

(2) The director shall allocate the funds to each county in proportion to the number of "choose life" license plates issued during the preceding year to vehicles registered in each county. The director shall distribute funds allocated for a county as follows:

(a) To one or more eligible organizations located within the county;

(b) If no eligible organization located within the county applies for funding, to one or more eligible organizations located in contiguous counties;

(c) If no eligible organization located within the county or a contiguous county applies for funding, to one or more eligible organizations within any other county.

(3) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county.

(C) Any organization seeking funds under this section annually shall apply for distribution of the funds based on the county in which the organization is located. An organization also may apply for funding in a county in which it is not located if it demonstrates that it provides services for pregnant women residing in that county. The director shall develop an application form and may determine the schedule and procedures that an organization shall follow when annually applying for funds. The application shall inform the applicant of the conditions for receiving and using funds under division (E) of this section. The application shall require evidence that the organization meets all of the following requirements:

(1) Is a private, nonprofit organization;

(2) Is committed to counseling pregnant women about the option of adoption;

(3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;

(4) Does not charge women for any services received;

(5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;

(6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, disability, gender, or age;

(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.

(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.

(E)(1) An organization receiving funds under this section shall do all of the following:

(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;

(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;

(c) Not use any of the funds distributed to it for

administrative expenses, legal expenses, or capital expenditures;

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization.

(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E)(1) of this section.

(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section.

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel.

(G) If funds that have been allocated to a county for any previous year have not been distributed to one or more eligible organizations, the director may distribute those funds in accordance with this section.

Sec. ~~5180.40~~ 5180.73. To increase participation in evidence-based parenting education programs, the department of children and youth shall ensure state departments, agencies, and boards have information to communicate with parents, caregivers, and child care providers about such programs to promote their benefits, including their parenting, caregiving, and educational resources.

Sec. 5180.99. (A) Whoever violates division (B) of section 5180.275 of the Revised Code is guilty of a misdemeanor of the second degree.

(B) Whoever violates section 5180.403 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 5502.05. There is hereby created in the department of public safety, a driver's license examination section.

The director of public safety may appoint necessary driver's license examiners and clerical personnel necessary to carry out the duties assigned under this section. The examiners shall be citizens of the United States and residents of the state and shall have such additional qualifications as the director prescribes.

The salaries and classifications of examiners and personnel shall be fixed in accordance with section 124.15 of the Revised Code or the schedules created under section 124.152 of the Revised Code.

Sec. 5502.14. (A) As used in this section~~, "felony"~~:

(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.

(2) "Retail dealer" has the same meaning as in section 5743.01 of the Revised Code.

(B)(1) Any person who is employed by the department of public safety and designated by the director of public safety to enforce Title XLIII of the Revised Code, the rules adopted under it, section 2927.02 of the Revised Code, and the laws and rules regulating the use of supplemental nutrition assistance program benefits shall be known as an enforcement agent. The employment by the department of public safety and the designation by the director of public safety of a person as an enforcement agent shall be subject to division (D) of this section. An enforcement agent has the authority vested in peace officers pursuant to

section 2935.03 of the Revised Code to keep the peace, to enforce all applicable laws and rules on any retail liquor permit premises, or on any other premises of public or private property, where a violation of Title XLIII of the Revised Code or any rule adopted under it is occurring, to enforce section 2927.02 of the Revised Code on the premises of any retail dealer licensed under section 5743.15 of the Revised Code, or on any other premises of public or private property where a violation of section 2927.02 of the Revised Code is occurring, and to enforce all laws and rules governing the use of supplemental nutrition assistance program benefits, women, infants, and children's coupons, electronically transferred benefits, or any other access device that is used alone or in conjunction with another access device to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds, pursuant to the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any supplemental food program administered by any department of this state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing compliance with the laws and rules described in this division, may keep the peace and make arrests for violations of those laws and rules.

(2) In addition to the authority conferred by division (B)(1) of this section, an enforcement agent also may execute search warrants and seize and take into custody any contraband, as defined in section 2901.01 of the Revised Code, or any property that is otherwise necessary for evidentiary purposes related to any violations of the laws or rules described in division (B)(1) of this section. An enforcement agent may enter

public or private premises where activity alleged to violate the laws or rules described in division (B)(1) of this section is occurring.

(3) Enforcement agents who are on, immediately adjacent to, or across from a retail liquor permit premises or the premises of a retail dealer licensed under section 5743.15 of the Revised Code and who are performing investigative duties relating to that premises, enforcement agents who are on premises that are not liquor permit premises or premises of a retail dealer licensed under section 5743.15 of the Revised Code but on which a violation of Title XLIII of the Revised Code ~~or~~, any rule adopted under it, or section 2927.02 of the Revised Code allegedly is occurring, and enforcement agents who view a suspected violation of Title XLIII of the Revised Code, of a rule adopted under it, or of another law or rule described in division (B)(1) of this section have the authority to enforce the laws and rules described in division (B)(1) of this section, authority to enforce any section in Title XXIX of the Revised Code or any other section of the Revised Code listed in section 5502.13 of the Revised Code if they witness a violation of the section under any of the circumstances described in this division, and authority to make arrests for violations of the laws and rules described in division (B)(1) of this section and violations of any of those sections.

(4) The jurisdiction of an enforcement agent under division (B) of this section shall be concurrent with that of the peace officers of the county, township, or municipal corporation in which the violation occurs.

(C) Enforcement agents of the department of public safety who are engaged in the enforcement of the laws and rules

described in division (B)(1) of this section may carry concealed weapons when conducting undercover investigations pursuant to their authority as law enforcement officers and while acting within the scope of their authority pursuant to this chapter.

(D)(1) The department of public safety shall not employ, and the director of public safety shall not designate, a person as an enforcement agent on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The department of public safety shall terminate the employment of a person who is designated as an enforcement agent and who does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the enforcement agent agrees to surrender the certificate awarded to that agent under section 109.77 of the Revised Code.

(b) The department shall suspend the employment of a person who is designated as an enforcement agent if the person is convicted, after trial, of a felony. If the enforcement agent files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if no timely appeal is filed, the department shall terminate the employment of that agent. If the enforcement agent files an appeal that results in that agent's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the agent, the department shall reinstate the

agent. An enforcement agent who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that agent of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the agent of the felony.

(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or termination of the employment of a person designated as an enforcement agent under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

Sec. 5502.30. (A) The state, any political subdivision, any municipal agency, any emergency management volunteer, another state, or an emergency management agency thereof or of the federal government or of another country or province or subdivision thereof performing emergency management services in this state pursuant to an arrangement, agreement, or compact for mutual aid and assistance, or any agency, member, agent, or representative of any of them, or any individual, partnership, corporation, association, trustee, or receiver, or any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with any state or federal law or any arrangement, agreement, or compact for mutual aid and assistance, or any order issued by federal or state military authorities relating to emergency management, is not liable for any injury to or death of persons or damage to property as the result thereof during training periods, test periods, practice periods, or other emergency management operations, or false alerts, as well as during any hazard, actual or imminent, and subsequent to the same except in cases of willful misconduct. As

used in this division, "emergency management volunteer" means only an individual who is authorized to assist any agency performing emergency management during a hazard.

(B) The state, any political subdivision, any individual, partnership, corporation, association, trustee, or receiver, or any agent, agency, representative, officer, or employee of any of them that owns, maintains, occupies, operates, or controls all or part of any building, structure, or premises shall not be liable for any injury or death sustained by any person or damage caused to any property while that person or property is in the building, structure, or premises for duty, training, or shelter purposes during a hazard, drill, test, or false warning, or is entering therein for such purposes or departing therefrom, or for any injury, death, or property damage as the result of any condition in or on the building, structure, or premises or of any act or omission with respect thereto, except a willful act intended to cause injury or damage.

(C) Any person deployed by the emergency management agency to render aid in another state pursuant to section 5502.40 of the Revised Code, including a full-time or part-time paid employee of a political subdivision of this state or a nonprofit organization, a paid or unpaid volunteer of a for-profit or nonprofit organization, and a health care worker of a for-profit or nonprofit organization, that is rendering aid in another state is considered an officer or employee of the state for purposes of the immunity established under Article VI of the emergency management assistance compact enacted under section 5502.40 of the Revised Code. Nothing in this division entitles ~~an employee of a political subdivision~~ any person deployed pursuant to section 5502.40 of the Revised Code to any other right or benefit of a state officer or employee.

(D) This section does not affect the right of any person to receive benefits to which the person may be entitled under Chapter 4123. of the Revised Code or any pension law, nor the rights of any person to receive any benefits or compensation under any act of congress or under any law of this state.

Sec. 5503.04. Forty-five per cent of the fines collected from or moneys arising from bail forfeited by persons apprehended or arrested by state highway patrol troopers shall be paid into the state treasury to be credited to the general revenue fund, five per cent shall be paid into the state treasury to be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code, and fifty per cent shall be paid into the treasury of the municipal corporation where the case is prosecuted, if in a mayor's court. If the prosecution is in a trial court outside a municipal corporation, or outside the territorial jurisdiction of a municipal court, the fifty per cent of the fines and moneys that is not paid into the state treasury shall be paid into the treasury of the county where the case is prosecuted. The fines and moneys paid into a county treasury and the fines and moneys paid into the treasury of a municipal corporation shall be deposited one-half to the same fund and expended in the same manner as is the revenue received from the registration of motor vehicles, and one-half to the general fund of such county or municipal corporation.

If the prosecution is in a municipal court, forty-five per cent of the fines and moneys shall be paid into the state treasury to be credited to the general revenue fund, five per cent shall be paid into the state treasury to be credited to the trauma and emergency medical services fund created by ~~division (E) of~~ section 4513.263 of the Revised Code, ten per cent shall

be paid into the county treasury to be credited to the general fund of the county, and forty per cent shall be paid into the municipal treasury to be credited to the general fund of the municipal corporation. In the Auglaize county, Clermont county, Crawford county, Hocking county, Jackson county, Lawrence county, Madison county, Miami county, Ottawa county, Portage county, and Wayne county municipal courts, that portion of money otherwise paid into the municipal treasury shall be paid into the county treasury.

The trial court shall make remittance of the fines and moneys as prescribed in this section, and at the same time as the remittance is made of the state's portion to the state treasury, the trial court shall notify the superintendent of the state highway patrol of the case and the amount covered by the remittance.

This section does not apply to fines for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be delivered to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

Sec. 5513.01. (A) The director of transportation shall make all purchases of machinery, materials, supplies, or other articles in the manner provided in this section. In all cases except those in which the director provides written authorization for purchases by district deputy directors of transportation, the director shall make all such purchases at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to

bidders of the director's intention to purchase. Where the expenditure does not exceed the amount applicable to the purchase of ~~supplies~~ goods specified in division ~~(A)~~ (B) of section 125.05 of the Revised Code, the director shall give such notice as the director considers proper, or the director may make the purchase without notice. Where the expenditure exceeds the amount applicable to the purchase of ~~supplies~~ goods specified in division (A) of section 125.05 of the Revised Code, the director shall give notice by posting for not less than ten days a written, typed, or printed invitation to bidders on a bulletin board. The director shall locate the notice in a place in the offices assigned to the department and open to the public during business hours.

Producers or distributors of any product may notify the director, in writing, of the class of articles for the furnishing of which they desire to bid and their post-office addresses. In that circumstance, the director shall mail copies of all invitations to bidders relating to the purchase of such articles to such persons by regular first class mail at least ten days prior to the time fixed for taking bids. The director also may mail copies of all invitations to bidders to news agencies or other agencies or organizations distributing information of this character. Requests for invitations are not valid and do not require action by the director unless renewed by the director, either annually or after such shorter period as the director may prescribe by a general rule.

The director shall include in an invitation to bidders a brief statement of the general character of the article that it is intended to purchase, the approximate quantity desired, and a statement of the time and place where bids will be received, and may relate to and describe as many different articles as the

director thinks proper, it being the intent and purpose of this section to authorize the inclusion in a single invitation of as many different articles as the director desires to invite bids upon at any given time. The director shall give invitations issued during each calendar year consecutive numbers, and ensure that the number assigned to each invitation appears on all copies thereof. In all cases where notice is required by this section, the director shall require sealed bids, on forms prescribed and furnished by the director. The director shall not permit the modification of bids after they have been opened.

(B) The director may permit a state agency, the Ohio turnpike and infrastructure commission, any political subdivision, and any state university or college to participate in contracts into which the director has entered for the purchase of machinery, materials, supplies, or other articles. The turnpike and infrastructure commission and any political subdivision or state university or college desiring to participate in such purchase contracts shall file with the director a certified copy of the bylaws or rules of the turnpike and infrastructure commission or the ordinance or resolution of the legislative authority, board of trustees, or other governing board requesting authorization to participate in such contracts and agreeing to be bound by such terms and conditions as the director prescribes. Purchases made by a state agency, the turnpike and infrastructure commission, political subdivisions, or state universities or colleges under this division are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies, or other articles.

(C) As used in this section:

(1) "Political subdivision" means any county, township,

municipal corporation, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, port authority, regional transit authority, regional airport authority, regional water and sewer district, county transit board, school district as defined in section 5513.04 of the Revised Code, regional planning commission formed under section 713.21 of the Revised Code, regional council of government formed under section 167.01 of the Revised Code, or other association of local governments established pursuant to an agreement under sections 307.14 to 307.19 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

Sec. 5513.02. (A) Specifications describing the character of the articles that the department of transportation is proposing to purchase, and the conditions governing shipment and delivery, shall be kept on file at the department and open to

public inspection throughout the time during which an invitation to bidders is required to be posted. The director of transportation may require bids to be accompanied by a certified check payable to the director in an amount fixed by the director and stated in the invitation to bidders. Persons, firms, or corporations desiring to bid on more than one invitation shall be relieved from furnishing certified checks with their bids provided they first furnish a bond payable to the state, in an amount and with surety approved by the director, conditioned for the faithful performances of all contracts that may be awarded to them, and otherwise conditioned as the director requires. All bids shall be publicly opened and read at the time and place mentioned in the notice. All purchases shall be made by the director from the lowest responsive and responsible bidder for each item in accordance with section 9.312 of the Revised Code, except where the director has established in the bidding documents a provision for multiple awards for the purchase of items such as asphalt, aggregates, machinery parts, and others as the director determines necessary, and except that in the purchase of machinery, equipment, or supplies for which fixed and definite specifications cannot be prepared, the director may purchase the articles meeting the general specifications prescribed and which the director finds are most suitable for the uses intended. Sections 5513.01 to 5513.04 of the Revised Code shall apply to the exchange of machinery and equipment and in force account operations where the director desires to combine in one order the furnishing, hauling, and placing of material. The director may purchase or authorize the purchase without notice, or upon such notice as the director prescribes, of materials that in the director's judgment may be required for the immediate repair of roads or bridges destroyed or damaged by flood, landslide, or other casualty. No person shall place

separate orders for the purpose of defeating such sections, and contracts of purchase shall not be valid unless made in conformity with this section.

(B) Section ~~125.092~~ 125.091 and division (B) of section 125.11 of the Revised Code apply to the purchase of products by the director pursuant to sections 5513.01 to 5513.04 of the Revised Code.

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by S.B. 10 of the 135th general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII or section 149.311, 3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 3775.16 of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after February 17, 2022, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that

taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5703.059. (A) ~~The~~ Notwithstanding any provision in the Revised Code to the contrary, the tax commissioner may ~~adopt rules requiring returns, including any accompanying schedule or statement, for any~~ require either or both of the following:

(1) Any tax or fee administered by the commissioner to be filed electronically using the Ohio business gateway as defined in section 718.01 of the Revised Code, filed telephonically using the system known as the Ohio telefile system, or filed by any other electronic means prescribed by the commissioner~~.~~;

~~(B) The commissioner may adopt rules requiring any~~ (2) Any payment of tax shown on such a return to be due to be made electronically in a manner approved by the commissioner.

~~(C) A rule adopted under this section does not apply to returns or reports filed or payments made before the effective date of the rule.~~(B) The commissioner shall publicize any new electronic filing requirement on the department's web site. The

commissioner shall educate the public of the requirement through seminars, workshops, conferences, or other outreach activities.

~~(D)~~ (C) Any person required to file returns and make payments electronically ~~under rules adopted under this section~~ may apply to the commissioner, on a form prescribed by the commissioner, to be excused from that requirement. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or reports or make the payments required under this section by nonelectronic means.

Sec. 5703.19. (A) To carry out the purposes of the laws that the tax commissioner is required to administer, the commissioner or any person employed by the commissioner for that purpose, upon demand, may inspect books, accounts, records, and memoranda of any person or public utility subject to those laws, and may examine under oath any officer, agent, or employee of that person or public utility. If such books, accounts, records, or memoranda are kept electronically or available in an electronic format, the person or public utility shall provide such records to the commissioner electronically or in an electronic format at the commissioner's request. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection.

(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division

may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 718.90, 3734.90 to 3734.9014, of the Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any

other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(3) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;

(4) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;

(5) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(6) Providing to a county auditor a sales or use tax return or audit information under section 333.06 of the Revised Code;

(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code or federal law relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure;

(8) Disclosing to a current or former employee, for use in preparation of the employee's income tax return, the account number issued by the tax commissioner to an employer for use in filing returns and making payments under section 5747.07 of the Revised Code. The commissioner may require the employee to provide evidence of current or past employment before such disclosure;

(9) Publishing or disclosing the amount of revenue distributed to a county, municipal corporation, township, school district, or any other political subdivision from any tax or fund administered by the tax commissioner.

Sec. 5703.261. (A) As used in this section:

(1) "Instrument" has the same meaning as in section 1303.03 of the Revised Code.

(2) "Financial transaction device" has the same meaning as in section 113.40 of the Revised Code.

(B) If a taxpayer or employer required by any tax administered by the department of taxation to pay taxes, penalties, interest, or other charges arising from unpaid taxes makes payment of the taxes, penalties, interest, or other

charges with a dishonored instrument, an instrument that is determined to be nonnegotiable, or with any financial transaction device that is declined, returned, or dishonored, a penalty of fifty dollars shall be added to the amount due. The penalty imposed by this section shall be assessed and collected in the same manner as the taxes, penalties, interest, or other charges. ~~All or part of any penalty imposed under this section may be abated by the tax commissioner.~~ The commissioner may assess only one penalty under this section against the same instrument or the same financial transaction device for the same payment.

Sec. 5703.262. (A) As used in this section:

(1) "Document" means any report, return, schedule, statement, claim, or other document intended for submission to any state or county official or department concerning any tax administered by the department of taxation.

(2) "Preparer" means any person who, for compensation, prepares for another, or assists another in preparing, any document.

(B) The tax commissioner may designate documents that must be signed by preparers. If a preparer fails to sign a document designated by the commissioner and the unsigned document is submitted to the intended state or county official or department, a penalty of one hundred dollars shall be imposed upon the preparer who failed to sign the document.

(C) If a false or fraudulent document is prepared by a preparer, who previously has been warned, in writing, by the tax commissioner concerning the consequences of continuing to file false or fraudulent documents, and the document is submitted to

the intended state or county official or department, a penalty of one thousand dollars shall be imposed upon the preparer who prepared or assisted another in preparing the document, knowing it to be false or fraudulent.

~~(D) All or part of any penalty imposed under division (B) or (C) of this section may be abated by the tax commissioner.~~

Sec. 5703.263. (A)(1) "Tax return preparer" means any person other than an accountant or an attorney that operates a business that prepares, or directly or indirectly employs another person to prepare, for a taxpayer a tax return or application for refund in exchange for compensation or remuneration from the taxpayer or the taxpayer's related member. The preparation of a substantial portion of a tax return or application for refund shall be considered to be the same as the preparation of the return or application for refund. "Tax return preparer" does not include an individual who performs only one or more of the following activities:

(a) Furnishes typing, reproducing, or other mechanical assistance;

(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer;

(c) Prepares as a fiduciary an application for refund or a return;

(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the

taxpayer or the taxpayer's related member.

(2) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(3) "Accountant" means any of the following:

(a) An individual who holds both a CPA certificate and an Ohio permit or Ohio registration issued by the accountancy board under section 4701.10 of the Revised Code;

(b) An individual who holds a foreign certificate;

(c) An individual who is employed by a public accounting firm with respect to any return prepared under the supervision of an individual described in division (A)(3)(a) or (b) of this section, regardless of whether the public accounting firm is required to register with the accountancy board under section 4701.04 of the Revised Code.

(4) "CPA certificate" and "foreign certificate" have the same meanings as in section 4701.01 of the Revised Code.

(5) "Attorney" means an individual who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, is permitted to practice as an attorney and counselor at law in this state under Chapter 4705. of the Revised Code, and is not currently suspended or removed from such practice under that chapter.

(6) A tax return preparer engages in "prohibited conduct" if the preparer does any of the following:

(a) Prepares any return or application for refund that includes an understatement of a taxpayer's tax liability due to an unreasonable position or due to willful or reckless conduct. For the purposes of this division, "unreasonable position" and

"willful or reckless conduct" have the meanings as used in section 6694 of the Internal Revenue Code.

(b) When required under any provision of Title LVII of the Revised Code, the preparer fails to do any of the following:

(i) Provide copies of a return or application for refund;

(ii) Provide the preparer's signature or federal preparer tax identification number on a return or application for refund;

(iii) Retain copies of the preparer's records;

(iv) Provide any information or documents requested by the tax commissioner;

(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.

(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;

(d) Engages in any conduct subject to criminal penalties under Title LVII of the Revised Code;

(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education;

(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption;

(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVII of the Revised Code.

(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any

territory or possession of the United States.

(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:

(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to engage in prohibited conduct, impose a penalty not exceeding one hundred dollars per instance of prohibited conduct;

(2) Regardless of whether the commissioner has previously warned the tax return preparer, request that the attorney general apply to a court of competent jurisdiction for an injunction to restrain the preparer from further engaging in the prohibited conduct. The court may take either of the following actions:

(a) If the court finds that injunctive relief is appropriate to prevent the recurrence of the prohibited conduct, the court shall issue an injunction against the preparer enjoining the preparer from engaging in such conduct.

(b) If the court finds that the preparer has continually or repeatedly engaged in prohibited conduct, and that enjoining the preparer solely from engaging in such conduct would not be sufficient to prevent the preparer's interference with the proper administration of any provision of Title LVII of the Revised Code, the court may issue an injunction against the preparer enjoining the preparer from acting as a tax return preparer in this state.

If a tax return preparer has been enjoined from preparing tax returns or applications for refunds by a federal court or by another state court in the five years preceding the date on

which an injunction is requested under this section, that prior injunction shall be sufficient to establish a prima facie case for the issuance of an injunction under division (B)(2) of this section.

(C) The commissioner may require a tax return preparer to include the preparer's name and federal preparer tax identification number when filing any return or application for refund. If a tax return preparer fails to include this information when required to do so by the commissioner, or if the information provided is false, inaccurate, or incomplete, the commissioner may impose a penalty of fifty dollars for each such failure, provided that the maximum penalty imposed on a preparer under this division in a calendar year shall not exceed twenty-five thousand dollars.

(D) The penalties imposed under divisions (B)(1) and (C) of this section may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., section 718.90, or sections 3734.90 to 3734.9014 of the Revised Code. ~~The commissioner may abate all or a portion of any penalty imposed under this section upon the showing of good cause by the tax return preparer.~~

Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through

one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified or ordinary mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order ~~sent by certified mail~~ is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified or

ordinary mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner ~~sent~~ resent the notice or order by ordinary mail and that the notice or order was served.

If the ~~ordinary mail~~ mailing is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order ~~by certified mail~~. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or

order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has been certified to the attorney general for collection, the claim shall be uncertified.

(F)(1) The commissioner may serve a notice or order upon the person affected by the notice or order or that person's authorized representative through secure electronic means associated with the person's or representative's last known

address, but only with the person's consent. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The types of electronic notification the commissioner may use include electronic mail, text message, or any other form of electronic communication. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through the means provided in division (B)(2) of this section.

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified or ordinary mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. For documents sent by secure electronic means, "last known address" means an electronic mode of communication that is identified on

a form prescribed by the commissioner for such purpose or that is associated with the person or the authorized representative of the person as of the date the notification was sent on the Ohio business gateway, as defined in section 718.01 of the Revised Code, ~~as of the date the notification was sent~~or another electronic filing or payment system prescribed by the commissioner.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice electronically or by ordinary mail of the amount. ~~The~~ If sent by ordinary mail, the notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. If sent electronically, the notice shall be sent to the person or the person's authorized representative through secure electronic means associated with the person's or representative's last known electronic mail address, but only with the person's

consent. The applicant shall have sixty days from the date the commissioner electronically sends or mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C)(1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

(3) If the applicant requests a hearing and provides additional information within the time prescribed by division (A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the

commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon.

(4) The commissioner shall serve a copy of the final determination made under division (C)(1), (2), or (3) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

Sec. 5703.901. The tax commissioner may, in whole or in part, abate any penalty, including an interest penalty, or any other charge the commissioner imposes to enforce any tax or fee the commissioner administers.

Sec. 5705.14. No transfer shall be made from one fund of a

subdivision to any other fund, by order of the court or otherwise, except as follows:

(A) The unexpended balance in a bond fund that is no longer needed for the purpose for which such fund was created shall be transferred to the sinking fund or bond retirement fund from which such bonds are payable.

(B) The unexpended balance in any specific permanent improvement fund, other than a bond fund, after the payment of all obligations incurred in the acquisition of such improvement, shall be transferred to the sinking fund or bond retirement fund of the subdivision; provided that if such money is not required to meet the obligations payable from such funds, it may be transferred to a special fund for the acquisition of permanent improvements, or, with the approval of the court of common pleas of the county in which such subdivision is located, to the general fund of the subdivision.

(C)(1) Except as provided in division (C)(2) of this section, the unexpended balance in the sinking fund or bond retirement fund of a subdivision, after all indebtedness, interest, and other obligations for the payment of which such fund exists have been paid and retired, shall be transferred, in the case of the sinking fund, to the bond retirement fund, and in the case of the bond retirement fund, to the sinking fund; provided that if such transfer is impossible by reason of the nonexistence of the fund to receive the transfer, such unexpended balance, with the approval of the court of common pleas of the county in which such division is located, may be transferred to any other fund of the subdivision.

(2) Money in a bond fund or bond retirement fund of a city, local, exempted village, cooperative education, or joint

vocational school district may be transferred to a specific permanent improvement fund provided that the county budget commission of the county in which the school district is located approves the transfer upon its determination that the money transferred will not be required to meet the obligations payable from the bond fund or bond retirement fund. In arriving at such a determination, the county budget commission shall consider the balance of the bond fund or bond retirement fund, the outstanding obligations payable from the fund, and the sources and timing of the fund's revenue.

(D) The unexpended balance in any special fund, other than an improvement fund, existing in accordance with division (D), (F), or (G) of section 5705.09 or section 5705.12 of the Revised Code, may be transferred to the general fund or to the sinking fund or bond retirement fund after the termination of the activity, service, or other undertaking for which such special fund existed, but only after the payment of all obligations incurred and payable from such special fund.

(E) Money may be transferred from the general fund to any other fund of the subdivision.

(F) Moneys retained or received by a county under section 4501.04 or division (A)(2) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable.

(G) Moneys retained or received by a municipal corporation under section 4501.04 or division (A)(1) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund

from which any principal, interest, or charges for which such moneys may be used is payable.

(H)(1) Money may be transferred from the county developmental disabilities general fund to the county developmental disabilities capital fund established under section 5705.091 of the Revised Code or to any other fund created for the purposes of the county board of developmental disabilities, so long as money in the fund to which the money is transferred can be spent for the particular purpose of the transferred money. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners may make the transfer. Money transferred to a fund shall be credited to an account appropriate to its particular purpose.

(2) An unexpended balance in an account in the county developmental disabilities capital fund or any other fund created for the purposes of the county board of developmental disabilities may be transferred back to the county developmental disabilities general fund. The transfer may be made if the unexpended balance is no longer needed for its particular purpose and all outstanding obligations have been paid. Money transferred back to the county developmental disabilities general fund shall be credited to an account for current expenses within that fund. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon

receiving the resolution, the board of county commissioners may make the transfer.

(I) Money may be transferred from the public assistance fund established under section 5101.161 of the Revised Code to either of the following funds, so long as the money to be transferred from the public assistance fund may be spent for the purposes for which money in the receiving fund may be used:

(1) The children services fund established under section ~~5101.144~~ 5180.411 of the Revised Code;

(2) The child support enforcement administrative fund established, as authorized under rules adopted by the director of job and family services, in the county treasury for use by any county family services agency.

(J) Notwithstanding this section, money in any fund or account of a village dissolved in accordance with sections 703.31 to 703.39 of the Revised Code may be transferred by the receiver-trustee to a special account for the purpose of paying the debts, obligations, and liabilities of the dissolved village or to the general fund of any township into which the territory of the village is dissolved for any purpose that directly or indirectly benefits the former territory of the dissolved village.

(K) Except in the case of transfer pursuant to division (E) or (J) of this section, transfers authorized by this section shall only be made by resolution of the taxing authority passed with the affirmative vote of two-thirds of the members.

Sec. 5709.212. (A) ~~With~~ Except for applications filed for an industrial water pollution control facility, with every application for an exempt facility certificate filed pursuant to

section 5709.21 of the Revised Code, the applicant shall pay a fee equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars. If the director of environmental protection is required to provide the opinion for an application for an air pollution control facility or noise pollution control facility, the fee shall be credited to the non-Title V clean air fund created in section 3704.035 of the Revised Code for use in administering section 5709.211 of the Revised Code~~, unless the application is for an industrial water pollution control facility. In such a case, the fee shall be credited to the surface water protection fund created in section 6111.038 of the Revised Code for use in administering section 5709.211 of the Revised Code~~. If the director of development or director of natural resources is required to provide the opinion for an application, the fee for each exempt facility application shall be credited to the exempt facility inspection fund, which is hereby created in the state treasury, for appropriation to the development services agency or department of natural resources, as applicable, for use in administering section 5709.211 of the Revised Code.

An applicant is not entitled to any tax exemption under section 5709.25 of the Revised Code until the fee required by this section is paid. The fee required by this section is not refundable, and is due with the application for an exempt facility certificate even if an exempt facility certificate ultimately is not issued or is withdrawn. Any application submitted without payment of the fee shall be deemed incomplete until the fee is paid.

(B) The application fee imposed under division (A) of this section for a jointly owned facility shall be equal to one-half of one per cent of the total exempt facility project cost, not

to exceed two thousand dollars for each facility that is the subject of the application.

Sec. 5709.93. (A) As used in this section:

(1) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points.

(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code.

(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time.

(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that

time, less any reduction required under division (B)(2) of this section.

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time.

(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time.

(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time.

(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(11) "Total resources," in the case of county senior

services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable

for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code;

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015.

(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for

municipal current expenses for tax year 2014;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner;

(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015;

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015.

(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;

(b) The township's percentage share of county undivided

local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code.

(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code;

(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board.

(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the

tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or any levy containing the words "sewage" or "sewer"; park improvement; parkland acquisition; storm drain; street or any levy name containing the word "street"; lighting, or any

levy name containing the word "lighting"; and water.

(20) "Operating fixed-rate levy loss" means, in the case of local taxing units other than municipal corporations, fixed-rate levy losses of levies imposed for purposes other than paying debt charges or, in the case of municipal corporations, fixed-rate levy losses of municipal current expense property tax levies.

(21)(a) "Qualifying municipal corporation" means a municipal corporation in the territory of which a qualifying end user is located.

(b) "Qualifying end user" means an end user of at least seven million qualifying kilowatt hours of electricity annually.

(c) "Qualifying kilowatt hours" means kilowatt hours of electricity generated by a renewable energy resource, as defined in section 5727.01 of the Revised Code, using wind energy and the distribution of which is subject to the tax levied under section 5727.81 of the Revised Code for any measurement period beginning after June 30, 2015.

(22) Any term used in this section has the same meaning as in section 5727.84 or 5751.20 of the Revised Code unless otherwise defined by this section.

(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(C)(1) Except as provided in division (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) of this section:

(a) For public libraries and local taxing units other than municipal corporations:

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent.

(b) For municipal corporations:

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library

shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in the municipal corporation for measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in which the payment is computed under this division. For the purposes of this division, the commissioner may require an electric distribution company distributing qualifying kilowatt hours or, if the end user is a self-assessing purchaser, the end user, to report to the commissioner the number of qualifying kilowatt hours distributed through the meter of the qualifying end user.

(F)(1) The payments required to be made under divisions (C), (D), and (H) of this section shall be paid from the ~~local government tangible property tax replacement~~ general revenue fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(2) On or before the last day of August and of February of each fiscal year that follows a calendar year in which taxes are paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in a qualifying municipal corporation, one-half of the payment computed under division (E) of this section shall be paid from the ~~local government tangible personal property tax replacement~~ general revenue fund directly to the qualifying municipal corporation. The municipal corporation shall credit the payments to a special fund created for the purpose of providing grants or other financial assistance to the qualifying end user or to compensate the municipal corporation for municipal income tax or other tax credits or reductions as the legislative authority may grant to the qualifying end user. Such grants or other financial assistance may be provided for by ordinance or resolution of the legislative authority of the qualifying municipal corporation

and may continue for as long as is provided by the ordinance or resolution.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage of the merged or annexed territory as a percentage of the total square mileage of the jurisdiction from which the territory originated, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

(H) For fiscal years 2022 through 2026, if the total amount to be received under division (C) of this section by a joint fire district that has a nuclear power plant located within its territory is less than the amount the district received under this section in fiscal year 2017, the district shall receive a supplemental payment equal to the difference between the amount to be received under that division for the fiscal year and the amount received under this section in fiscal year 2017.

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of the Revised Code:

(A) "Financial institution" means:

(1) A national bank organized and existing as a national bank association pursuant to the "National Bank Act," 12 U.S.C. 21;

(2) A federal savings association or federal savings bank that is chartered under 12 U.S.C. 1464;

(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is incorporated or organized under the laws of any state;

(4) Any corporation organized under 12 U.S.C. 611 to 631;

(5) Any agency or branch of a foreign depository as defined in 12 U.S.C. 3101;

(6) A company licensed as a small business investment company under the "Small Business Investment Act of 1958," 72 Stat. 689, 15 U.S.C. 66l, as amended; or

(7) A company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended.

Corporations or institutions organized under the "Federal Farm Loan Act" and amendments thereto, insurance companies, and credit unions shall not be considered financial institutions or dealers in intangibles within the meaning of such sections.

~~(B)(1)~~(B) "Dealer in intangibles" includes every person who keeps an office or other place of business in this state and engages at such office or other place in a business that consists primarily of lending money, or discounting, buying, or selling bills of exchange, drafts, acceptances, notes, mortgages, or other evidences of indebtedness, or of buying or selling bonds, stocks, or other investment securities, whether on the person's own account with a view to profit, or as agent or broker for others, with a view to profit or personal earnings. Dealer in intangibles excludes institutions used exclusively for charitable purposes, insurance companies, and financial institutions. The investment of funds as personal

accumulations or as business reserves or working capital does not constitute engaging in a business within the meaning of this division; but a person who, having engaged in a business that consists primarily of lending money, or discounting, buying, or selling bills of exchange, drafts, acceptances, notes, mortgages, or other evidences of indebtedness on the person's own account, remains in business primarily for the purpose of realizing upon the assets of the business is deemed a dealer in intangibles, though not presently engaged in a business that consists primarily of lending money or discounting or buying such securities.

~~(2) The tax commissioner shall adopt a rule defining "primarily" as that term is used in division (B)(1) of this section.~~

(C) "Insurance company" includes every corporation, association, and society engaged in the business of insurance of any character, or engaged in the business of entering into contracts substantially amounting to insurance of any character, or of indemnifying or guaranteeing against loss or damage, or acting as surety on bonds or undertakings. "Insurance company" also includes any health insuring corporation as defined in section 1751.01 of the Revised Code.

(D) "Domestic insurance company" includes every insurance company organized and existing under the laws of this state, and every unincorporated association and society formed under the laws of this state for the purpose of engaging in said business, except a company, association, or society that is an insurance holding company affiliate controlled by a nonresident affiliate and has risks in this state formerly written by its foreign affiliates in a total amount exceeding the risks outstanding on

the taxpayer's latest annual report that arise from business initially written by it in this state; and excludes every foreign insurance company. As used in this division, terms defined in section 3901.32 of the Revised Code have the same meanings given to them in that section.

(E) "Foreign insurance company" includes every insurance company organized or existing under the laws of any other state, territory, country, or the United States and every insurance holding company affiliate excepted under division (D) of this section.

(F) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, of another state, or of the United States.

Sec. 5725.23. Taxes, interest, and penalties may be recovered from a delinquent domestic insurance company or person in an action brought in the name of the state in the court of common pleas of Franklin county or any county in which such company or person has an office or place of business, and such court shall have jurisdiction of such action regardless of the amount involved. The attorney general, on request of the superintendent of insurance or tax commissioner, shall institute such action in the court of common pleas of Franklin county or any other county the superintendent or commissioner directs. In any such action, it shall be sufficient to allege that the tax, interest, and penalty sought to be recovered stand charged on the tax list of domestic insurance company franchise taxes ~~or intangible property taxes~~ in the office of the treasurer of state and have been unpaid for a period of forty-five days after having been placed thereon. Sums recovered in any such action shall be paid into the state treasury and distributed as

provided in section 5725.24 of the Revised Code.

Sec. 5726.03. (A)(1) Annually, on or before the fifteenth day of October, the reporting person for each taxpayer shall make a report in writing to the tax commissioner, in such form as the commissioner prescribes, and shall remit to the commissioner the amount of tax shown to be due on the report. The remittance shall be made payable to the treasurer of state. ~~The commissioner shall make available, on the official internet web site of the department of taxation, copies of the forms prescribed by the commissioner for the purpose of making the annual report.~~

(2) An annual report shall be signed by the president, vice-president, secretary, treasurer, general manager, superintendent, or managing agent in this state of the reporting person.

(3) An annual report shall contain the facts, figures, computations, and attachments that result in the determination of the amount of tax due from a taxpayer under this chapter.

(B)(1) In the case of a financial institution described in division (H)(1) of section 5726.01 of the Revised Code, the annual report filed for a taxable year shall list, and include information related to, each person includable in an FR Y-9 filed by the reporting person for that taxable year.

(2) In the case of a financial institution described in division (H)(2) or (3) of section 5726.01 of the Revised Code, the annual report for a taxable year shall list, and include information related to, each person includable in a call report filed by the reporting person for that taxable year.

(C)(1) The reporting person for a taxpayer shall remit

each tax payment and, if required by the commissioner, file each annual or estimated tax report electronically. The commissioner may require reporting persons to use the Ohio business gateway as defined in section 718.01 of the Revised Code to file reports and remit the tax, or may provide another means for reporting persons to file and remit the tax electronically.

(2) The payment of taxes as provided in division (C) of this section shall not affect a taxpayer's obligation to file an annual report required under division (A) of this section.

(3) The reporting person for a taxpayer that is required to remit tax payments electronically under this section may apply to the tax commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse the taxpayer from the requirements of division (C) of this section for good cause.

(4) If the reporting person for a taxpayer that is required to remit tax payments or file reports electronically under this section fails to do so, the commissioner may impose a penalty not to exceed the following:

(a) For either of the first two reports the person so fails, five per cent of the amount of the payment that was required to be remitted;

(b) For the third and any subsequent reports the person so fails, ten per cent of the amount of the payment that was required to be remitted.

The penalty imposed under this section is in addition to any other penalty or charge imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter. A penalty may be collected by assessment in the manner

prescribed by section 5726.20 of the Revised Code. ~~The tax commissioner may abate all or a portion of such a penalty and may adopt rules governing such abatements.~~

Sec. 5726.20. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or report or pay any tax as required by this chapter. The reporting person for a taxpayer shall file the annual report required under section 5726.03 of the Revised Code and remit the tax imposed by this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer as provided in section 5703.90 of the Revised Code. The commissioner shall make the assessment in the manner provided in this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limit has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-

year time limit prescribed in division (A) of section 5726.30 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a person that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report.

(C) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner~~, either in person or by certified mail,~~ a written petition for reassessment signed by the person or the person's authorized agent having knowledge of the facts, the assessment shall become final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(D)(1) After an assessment becomes final, if any portion of the assessment, including any accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county.

(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for

the financial institution tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date the tax commissioner issues the assessment until the date the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed

shall be immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (C) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the petition for reassessment.

(F) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section. Such amounts shall be considered as revenue arising from the tax imposed by this chapter.

(G) If the tax commissioner possesses information indicating that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the reporting person for the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the secretary of state is hereby deemed to be that person's agent for purposes of service of process or notice of any assessment, action, or proceedings instituted in this state against the person under this chapter. Such process or notice shall be served on such person by the commissioner or by an agent of the commissioner by leaving a true and attested copy of the process or notice at the office of

the secretary of state at least fifteen days before the return day of such process or notice, and by sending a copy of the process or notice to such person by ordinary mail, with an endorsement thereon of the service upon the secretary of state, addressed to such person at the person's last known address.

Sec. 5726.21. (A) In addition to any other penalty imposed by this chapter or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file any report under this chapter fails to make and file the report within the time prescribed, a penalty may be imposed not exceeding the greater of fifty dollars per month or fraction of a month, not to exceed five hundred dollars, or five per cent per month or fraction of a month, not to exceed fifty per cent of the tax required to be shown on the report, for each month or fraction of a month elapsing between the due date and the date on which the report is filed.

(2) If a taxpayer fails to pay the amount of tax required to be paid under this chapter, except for estimated tax under section 5726.06 of the Revised Code, by the dates prescribed in this chapter for payment, a penalty may be imposed not exceeding fifteen per cent of the delinquent payment.

(3) If a taxpayer files what purports to be a report required by this chapter that does not contain information upon which the substantial correctness of the report may be judged or contains information that on its face indicates that the report is substantially incorrect, and the filing of the report in that manner is due to a position that is frivolous or a desire that is apparent from the report to delay or impede the administration of the tax levied under this chapter, a penalty

of up to five hundred dollars may be imposed.

(4) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any report required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the report.

(5) If a taxpayer makes a false or fraudulent claim for a refund under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim.

(B) The tax commissioner may collect any penalty imposed by this section in the same manner as the tax levied under this chapter. Penalties so collected shall be considered as revenue arising from the tax levied under this chapter.

(C) For purposes of this section, the tax required to be shown on the report shall be reduced by the amount of any part of the tax paid on or before the date prescribed for filing the report.

~~(D) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.~~

Sec. 5727.08. On or before the first day of March, annually, each public utility and interexchange telecommunications company, and, for tax years 2009 and thereafter, each public utility property lessor, shall file a report with the tax commissioner, on a form prescribed by the tax commissioner. The report shall include such information as the tax commissioner requires to enable the tax commissioner to make any assessment or apportionment required under this

chapter.

The report shall be signed by either the owner of the public utility, interexchange telecommunications company, or public utility property lessor or the president, secretary, treasurer, or another duly authorized person.

If such a public utility, interexchange telecommunications company, or lessor fails to file the report on or before the first day of March, or the date it is due under an extension allowed pursuant to section 5727.48 of the Revised Code, or fails to accurately report all taxable property, the tax commissioner may impose a penalty of up to fifty per cent of the taxable value of the property that was not timely or accurately reported. However, if such a public utility, company, or lessor files, within sixty days after the first day of March or the extended due date, the report or an amended report and discloses all items of taxable property that are required by this chapter to be reported, the penalty shall not be more than five per cent of the taxable value that was not timely or accurately reported. The penalty shall be added to and considered a part of the total taxable value of the property that was not timely or accurately reported~~, and may be abated in whole or in part by the tax commissioner pursuant to a petition for reassessment filed under section 5727.47 of the Revised Code~~.

Sec. 5727.25. (A) Except as provided in division (B) of this section, within forty-five days after the last day of March, June, September, and December, each natural gas company or combined company subject to the excise tax imposed by section 5727.24 of the Revised Code shall file a return with the tax commissioner, in such form as the commissioner prescribes, and pay the full amount of the tax due on its taxable gross receipts

for the preceding calendar quarter. All payments made under this division shall be made electronically in accordance with section 5727.311 of the Revised Code.

(B) Any natural gas company or combined company subject to the excise tax imposed by this section that has an annual tax liability for the preceding calendar year ending on the thirty-first day of December of less than three hundred twenty-five thousand dollars may elect to file an annual return with the tax commissioner, in such form as the commissioner prescribes, for the next year. A company that elects to file an annual return for the calendar year shall file the return and remit the taxes due on its taxable gross receipts within forty-five days after the thirty-first day of December. The minimum tax for a natural gas company or combined company subject to this division shall be fifty dollars, and the company shall not be required to remit the tax due electronically.

(C) A return required to be filed under division (A) or (B) of this section shall show the amount of tax due from the company for the period covered by the return and any other information as prescribed by the tax commissioner. A return shall be considered filed when received by the commissioner. The commissioner may extend the time for making and filing returns and paying the tax.

(D) Any natural gas company or combined company that fails to file a return or pay the full amount of the tax due within the period prescribed under this section shall pay an additional charge of fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater. If any tax due is not paid timely in accordance with this section, the company liable for the tax shall pay interest, calculated at the

rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first. The tax commissioner may collect any additional charge or interest imposed by this section by assessment in the manner provided in section 5727.26 of the Revised Code. ~~The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.~~

(E) The taxes, additional charges, penalties, and interest collected under sections 5727.24 to 5727.29 of the Revised Code shall be credited in accordance with section 5727.45 of the Revised Code.

Sec. 5727.26. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. ~~The tax commissioner may adopt rules providing for the imposition and remission of the penalty.~~

(B) Unless the company assessed, within sixty days after service of the notice of assessment, files with the tax commissioner~~, either personally or by certified mail,~~ a written petition signed by the company's authorized agent having knowledge of the facts, the assessment becomes final, and the

amount of the assessment is due and payable from the company assessed to the commissioner. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the natural gas company's or combined company's principal place of business is located, or in the office of the clerk of court of common pleas of Franklin county.

Immediately on the filing of the entry, the clerk shall enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is

paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner

receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

Sec. 5727.38. On or before the first Monday of November, annually, the tax commissioner may assess an excise tax against a public utility subject to the excise tax under section 5727.30 of the Revised Code. The tax shall be computed by multiplying the taxable gross receipts as determined by the commissioner under section 5727.33 of the Revised Code by six and three-fourths per cent in the case of pipe-line companies, and four and three-fourths per cent in the case of all other companies. The minimum tax for any such company for owning property or doing business in this state shall be fifty dollars. The assessment shall be ~~mailed to the taxpayer~~served on the public utility in the manner prescribed by section 5703.37 of the Revised Code.

Sec. 5727.42. (A) The tax commissioner shall collect the excise tax imposed by section 5727.30 of the Revised Code and the taxpayer shall pay all taxes and any penalties thereon. Payments of the tax may be made by mail, in person, electronically if required to do so by section 5727.311 of the Revised Code, or by any other means authorized by the commissioner. The commissioner may adopt rules concerning the methods and timeliness of payment.

(B) Each tax assessment issued pursuant to this section shall separately reflect the taxes and any penalty due, and any other information considered necessary. ~~The commissioner shall mail the assessment to the taxpayer, and the mailing of it shall be prima-facie evidence of receipt thereof by the taxpayer~~The assessment shall be served on the taxpayer in the manner prescribed by section 5703.37 of the Revised Code.

(C) The commissioner shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section~~, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The commissioner may consult the attorney general regarding such claims~~.

(D) After receiving any excise tax annual statement for the tax imposed by section 5727.30 of the Revised Code, the commissioner shall:

(1) Ascertain the difference between the total taxes owed and the sum of all payments made for that year.

(2) If the difference is a deficiency, the commissioner shall issue an assessment.

(3) If the difference is an excess, the commissioner shall issue a refund of that amount to the taxpayer. If the amount of the refund is less than that claimed by the taxpayer, the taxpayer, within sixty days of the issuance of the refund, may provide to the commissioner additional information to support the claim or may request a hearing. Upon receiving such information or request within that time, the commissioner shall follow the same procedures set forth in divisions (C) and (D) of section 5703.70 of the Revised Code for the determination of

refund applications.

If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the commissioner may determine the net result and, depending on such result, proceed to issue an assessment or certify a refund.

(E) If a taxpayer fails to pay the amount of taxes required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, the commissioner shall impose a penalty in the amount of fifteen per cent of the unpaid amount, and the commissioner shall issue an assessment for the unpaid amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the commissioner of all collections.

(F) If a taxpayer entitled to a refund under this section is indebted to the state for any tax or fee administered by the tax commissioner, or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

Sec. 5727.47. (A) Notice of each assessment certified or issued pursuant to section 5727.23 or 5727.38 of the Revised Code shall be ~~mailed to the public utility, and its mailing shall be prima-facie evidence of its receipt by the public~~

~~utility to which it is addressed~~served on the public utility or public utility property lessor in the manner prescribed by section 5703.37 of the Revised Code. With the notice, the tax commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. If a public utility objects to such an assessment, it may file with the commissioner~~, either personally or by certified mail,~~ within sixty days after the mailing of the notice of assessment a written petition for reassessment signed by the utility's authorized agent having knowledge of the facts. The date the commissioner receives the petition shall be considered the date of filing. The petition shall indicate the utility's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

In the case of a petition seeking a reduction in taxable value filed with respect to an assessment certified under section 5727.23 of the Revised Code, the petitioner shall state in the petition the total amount of reduction in taxable value sought by the petitioner. If the petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall state in the petition the total amount of reduction in taxable value sought both with and without regard to the objection pertaining to the percentage of true value at which its taxable property is assessed. If a petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner shall distinctly state in the petition that the petitioner objects to the commissioner's apportionment, and, within forty-five days after filing the petition for reassessment, shall submit the petitioner's proposed

apportionment of the taxable value of its taxable property among taxing districts. If a petitioner that objects to the commissioner's apportionment fails to state its objections to that apportionment in its petition for reassessment or fails to submit its proposed apportionment within forty-five days after filing the petition for reassessment, the commissioner shall dismiss the petitioner's objection to the commissioner's apportionment, and the taxable value of the petitioner's taxable property, subject to any adjustment to taxable value pursuant to the petition or appeal, shall be apportioned in the manner used by the commissioner in the preliminary or amended preliminary assessment certified under section 5727.23 of the Revised Code.

If an additional objection seeking a reduction in taxable value in excess of the reduction stated in the original petition is properly and timely raised with respect to an assessment issued under section 5727.23 of the Revised Code, the petitioner shall state the total amount of the reduction in taxable value sought in the additional objection both with and without regard to any reduction in taxable value pertaining to the percentage of true value at which taxable property is assessed. If a petitioner fails to state the reduction in taxable value sought in the original petition or in additional objections properly raised after the petition is filed, the commissioner shall notify the petitioner of the failure in the manner provided in section 5703.37 of the Revised Code. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought.

(B)(1) Subject to divisions (B)(2) and (3) of this

section, a public utility filing a petition for reassessment regarding an assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the tax commissioner or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B)(2)(c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B)(2)(c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the commissioner did not apportion the petitioner's taxable value, the petitioner shall pay the tax due on the taxable value that the petitioner has apportioned to the taxing district,

subject to division (B)(2)(c) of this section.

(c) If a petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall pay the tax due on the basis of the percentage of true value at which the public utility's taxable property is assessed by the commissioner. In any case, the petitioner's payment of tax shall not be less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section. Until the county auditor receives notification under division (E) of this section and proceeds under section 5727.471 of the Revised Code to issue any refund that is found to be due, the county auditor shall not issue a refund for any increase in the reduction in taxable value that is sought by a petitioner later than forty-five days after the petitioner files the original petition as required under division (A) of this section.

(3) Any part of the tax that, under division (B)(2)(a) or (b) of this section, is not paid shall be collected upon receipt of the notification as provided in section 5727.471 of the Revised Code with interest thereon computed in the same manner as interest is computed under division (E) of section 5715.19 of the Revised Code, subject to any correction of the assessment by the commissioner under division (E) of this section or the final judgment of the board of tax appeals or a court to which the board's final judgment is appealed. The penalty imposed under section 323.121 of the Revised Code shall apply only to the unpaid portion of the tax if the petitioner's tax payment is less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section.

(C) Upon receipt of a properly filed petition for reassessment with respect to an assessment certified under section 5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment certified under section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought by the petitioner without regard to the reduction sought on the basis of the lower percentage and shall indicate that the petitioner is required to pay tax on the reduced taxable value determined without regard to the reduction sought on the basis of a lower percentage of true value, as provided under division (B)(2)(c) of this section. The appeal notice shall include a statement that the reduced taxable value and the apportionment indicated in the notice are not final and are subject to adjustment by the commissioner or by the board of tax appeals or a court on appeal. If the commissioner finds an error in the appeal notice,

the commissioner may amend the notice, but the notice is only for informational and tax payment purposes; the notice is not subject to appeal by any person. The commissioner also shall ~~mail~~ provide a copy of the appeal notice to the petitioner. Upon the request of a taxing authority, the county auditor may disclose to the taxing authority the extent to which a reduction in taxable value sought by a petitioner would affect the apportionment of taxable value to the taxing district or districts under the taxing authority's jurisdiction, but such a disclosure does not constitute a notice required by law to be given for the purpose of section 5717.02 of the Revised Code.

(D) If the petitioner requests a hearing on the petition, the tax commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall

proceed under section 5727.471 of the Revised Code.

The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner.

Sec. 5727.48. The tax commissioner~~, on application by a public utility,~~ may extend to ~~the~~ a public utility a further specified time, not to exceed thirty days, within which to file any report or statement required by this chapter to be filed with the commissioner, except reports required by sections 5727.24 to 5727.29 of the Revised Code. A public utility ~~must file such an application, in writing, with the commissioner~~ shall request this extension, in the form and manner prescribed by the commissioner, on or before the date that the report or statement is otherwise required to be filed.

Sec. 5727.60. If a person fails to file a report within the time prescribed by section 5727.08 or 5727.31 of the Revised Code, including any extensions of time granted by the tax commissioner, a penalty of fifty dollars per month, not to exceed five hundred dollars, may be imposed for each month or fraction of a month elapsing between the due date of the report, including any extensions, and the date the report was filed. The penalty under this section for failing to file a report required by section 5727.08 of the Revised Code shall be paid into the state general revenue fund. The penalty under this section for

failing to file the report required by section 5727.31 of the Revised Code shall be deposited into the state treasury in the same manner as the tax, and the commissioner may collect the penalty by assessment pursuant to section 5727.38 of the Revised Code. ~~The tax commissioner may abate this penalty in full or in part.~~

Sec. 5727.82. (A)(1) Except as provided in divisions (A)(3) and (D) of this section, by the twentieth day of each month, each electric distribution company required to pay the tax imposed by section 5727.81 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of tax due for the preceding month. The electric distribution company shall make payment to the tax commissioner unless required to remit the payment electronically as provided in section 5727.83 of the Revised Code.

(2) By the twentieth day of May, August, November, and February, each natural gas distribution company required to pay the tax imposed by section 5727.811 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment to the tax commissioner of the full amount of tax due for the preceding quarter.

(3) If the electric distribution company required to pay the tax imposed by section 5727.81 of the Revised Code is a municipal electric utility, it may retain in its general fund that portion of the tax on the kilowatt hours distributed to end users located within the boundaries of the municipal corporation. However, the municipal electric utility shall make payment in accordance with division (A)(1) of this section of the tax due on the kilowatt hours distributed to end users

located outside the boundaries of the municipal corporation.

(4) By the twentieth day of each month, each self-assessing purchaser that under division (C) of section 5727.81 of the Revised Code pays directly to the tax commissioner the tax imposed by section 5727.81 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of the tax due for the preceding month.

(5) As prescribed by the tax commissioner, a return shall be signed by the company or self-assessing purchaser required to file it, or an authorized employee, officer, or agent of the company or purchaser. The return shall be deemed filed when received by the tax commissioner.

(B) Any natural gas distribution company, electric distribution company, or self-assessing purchaser required by this section to file a return who fails to file it and pay the tax within the period prescribed shall pay an additional charge of fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater. The tax commissioner may collect the additional charge by assessment pursuant to section 5727.89 of the Revised Code. ~~The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.~~

(C) If any tax due is not paid timely in accordance with this section, the natural gas distribution company, electric distribution company, or self-assessing purchaser liable for the tax shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued, whichever occurs first. Interest shall be

paid in the same manner as the tax, and the commissioner may collect the interest by assessment pursuant to section 5727.89 of the Revised Code.

(D) Not later than the tenth day of each month, a qualified end user not making the election to self-assess under division (C) of section 5727.81 of the Revised Code shall report in writing to the electric distribution company that distributes electricity to the end user the kilowatt hours that were consumed as a qualified end user in a qualifying manufacturing process for the prior month and the number of days, if any, on which the end user was not a qualified end user. For each calendar day during that month, a qualified end user shall report the kilowatt hours that were not used in a qualifying manufacturing process. For each calendar day the end user was not a qualified end user, the end user shall report in writing to the electric distribution company the total number of kilowatt hours used on that day, and the electric distribution company shall pay the tax imposed under section 5727.81 of the Revised Code on each kilowatt hour that was not distributed to a qualified end user in a qualifying manufacturing process. The electric distribution company may rely in good faith on a qualified end user's report filed under this division. If it is determined that the end user was not a qualified end user for any calendar day or the quantity of electricity used by the qualified end user in a qualifying manufacturing process was overstated, the tax commissioner shall assess and collect any tax imposed under section 5727.81 of the Revised Code directly from the qualified end user. As requested by the commissioner, each end user reporting to an electric distribution company that it is a qualified end user shall provide documentation to the commissioner that establishes the volume of electricity consumed

daily by the qualified end user and the total number of kilowatt hours consumed in a qualifying manufacturing process.

Sec. 5727.83. (A) A natural gas distribution company, an electric distribution company, or a self-assessing purchaser shall remit each tax payment electronically as prescribed by divisions (B) and (C) of this section.

The tax commissioner shall notify each natural gas distribution company, electric distribution company, and self-assessing purchaser of the obligation to remit taxes electronically by using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another means of electronic payment. Failure by the commissioner to notify a company or self-assessing purchaser subject to this section to remit taxes electronically does not relieve the company or self-assessing purchaser of its obligation to remit taxes in that manner.

(B) A natural gas distribution company, an electric distribution company, or a self-assessing purchaser required by this section to remit payments electronically shall remit such payments on or before the dates specified under section 5727.82 of the Revised Code. The payment of taxes electronically does not affect a company's or self-assessing purchaser's obligation to file a return as required under section 5727.82 of the Revised Code.

(C) A natural gas distribution company, an electric distribution company, or a self-assessing purchaser required by this section to remit taxes electronically may apply to the tax commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the company or self-assessing purchaser from electronic remittance

for good cause shown for the period of time requested by the company or self-assessing purchaser or for a portion of that period. The commissioner shall notify the company or self-assessing purchaser of the commissioner's decision as soon as is practicable.

(D) If a natural gas distribution company, an electric distribution company, or a self-assessing purchaser required by this section to remit taxes electronically remits those taxes by some means other than electronically as prescribed by this section , and the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner prescribed by section 5727.89 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes required to be paid electronically, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from the tax imposed under this chapter. ~~The tax commissioner may abate all or a portion of such a charge and may adopt rules governing such abatements.~~

No additional charge shall be assessed under this division against a natural gas distribution company, an electric distribution company, or a self-assessing purchaser that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be assessed upon the remittance of any subsequent tax payment that the company or purchaser remits by some means other than electronically.

Sec. 5727.89. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas distribution company, electric distribution company, self-assessing purchaser, or qualified end user that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.80 to 5727.95 of the Revised Code.

When information in the possession of the tax commissioner indicates that a person liable for the tax imposed by section 5727.81 or 5727.811 of the Revised Code has not paid the full amount of tax due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit. The commissioner shall give the person assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

The tax commissioner may issue an assessment for which the tax imposed by section 5727.81 or 5727.811 of the Revised Code was due and unpaid on the date the person was informed by an agent of the tax commissioner of an investigation or audit of the person. Any payment of the tax for the period covered by the assessment, after the person is so informed, shall be credited against the assessment.

A penalty of up to fifteen per cent may be added to all amounts assessed under this section. ~~The commissioner may adopt rules providing for the imposition and remission of penalties.~~

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written

petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for the distribution excise taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the

assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the tax commissioner believes that collection of the tax imposed by section 5727.81 or 5727.811 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the party assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for

reassessment.

(E) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by sections 5727.81 and 5727.811 of the Revised Code.

Sec. 5728.09. (A) Any person who fails to file timely the return required by section 5728.08 of the Revised Code may be required to pay an additional charge equal to the greater of fifty dollars or ten per cent of the tax due. ~~The tax commissioner may adopt rules providing for the imposition and remission of the additional charges.~~ Any additional charge imposed under this section may be collected through an assessment as provided in section 5728.10 of the Revised Code.

(B) If the tax imposed by this chapter, or any portion of that tax, whether determined by the tax commissioner or the taxpayer, is not paid on or before the date prescribed in section 5728.08 of the Revised Code, interest shall be collected and paid in the same manner as the tax, upon that unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for payment of the tax until it is paid or until the day an assessment is issued under section 5728.10 of the Revised Code, whichever occurs first. Any interest imposed under this chapter may be collected through an assessment as provided in section 5728.10 of the Revised Code.

Sec. 5728.10. (A) If any person required to file a fuel use tax return by sections 5728.01 to 5728.14 of the Revised Code, fails to file the return within the time prescribed by those sections, files an incomplete return, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an

assessment against the person, based upon any information in the commissioner's possession, for the period for which the tax was due.

No assessment shall be made against any person for any tax imposed by this chapter more than four years after the return date for the period for which the tax was due or more than four years after the return for the period was filed, whichever is later. This section does not bar an assessment against any person who fails to file a fuel use tax return as required by this chapter, or who files a fraudulent fuel use tax return.

A penalty of up to fifteen per cent may be added to the amount of every assessment made pursuant to this section. ~~The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.~~

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment, signed by the party assessed, or by the party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the

final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party's place of business is located or the county in which the party assessed resides. If the party maintains no office in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state of Ohio against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state fuel use tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the

attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid into the state treasury in the same manner as the revenues deriving from the taxes imposed by section 5728.06 of the Revised Code.

Sec. 5729.10. If a company fails to pay the tax levied by section 5729.03 of the Revised Code, or to make any partial payment thereof as required by law after a statement thereof has been made and mailed to it, or if the annual statement required by law to be made by it is false or incorrect, the superintendent of insurance may revoke the license of such company doing business in this state. Upon failure to pay the tax or to make partial payment thereof according to law, the ~~superintendent~~ treasurer of state shall certify that fact to the attorney general, who shall thereupon begin an action against the company in the court of common pleas of Franklin county, or any other county ~~he~~the attorney general elects, to recover the amount of the tax. If such company ceases to do business in this state, it shall thereupon make a report to the superintendent of the gross amount of premiums not theretofore reported as provided in section 5729.02 or 5729.04 of the Revised Code received by it from policies covering risks within this state prior to such discontinuance of business, after deducting return premiums and considerations received for reinsurance not theretofore so reported, and shall forthwith pay to the ~~superintendent~~ treasurer of state a like per cent of tax

thereon.

Sec. 5733.022. (A) Subject to division (C) of this section, if a taxpayer's total liability for taxes imposed by section 5733.06 of the Revised Code, after reduction for all nonrefundable credits allowed the taxpayer, exceeds fifty thousand dollars, the taxpayer shall remit each tax payment for the tax year electronically as prescribed by divisions (B) and (C) of this section.

The tax commissioner shall notify each taxpayer required to remit taxes electronically of the taxpayer's obligation to do so. Failure by the commissioner to notify a taxpayer subject to this section to remit taxes electronically does not relieve the taxpayer of its obligation to remit taxes in that manner.

(B) Taxpayers required by this section to remit payments electronically shall remit such payments in the manner prescribed by the tax commissioner.

Except as otherwise provided in this paragraph, the electronic payment of taxes does not affect a taxpayer's obligation to file the annual corporation report or the declaration of estimated tax report as required under sections 5733.02 and 5733.021 of the Revised Code.

(C) If two or more taxpayers have elected or are required to file a combined report under section 5733.052 of the Revised Code, the tax liability of those taxpayers for purposes of division (A) of this section is the aggregate tax liability of those taxpayers after reduction for nonrefundable credits allowed the taxpayers.

(D) A taxpayer required by this section to remit taxes electronically may apply to the tax commissioner in the manner

prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the taxpayer from electronic remittance for good cause shown for the period of time requested by the taxpayer or for a portion of that period. The commissioner shall notify the taxpayer of the commissioner's decision as soon as is practicable.

(E) If a taxpayer required by this section to remit taxes electronically remits those taxes by some means other than electronically as prescribed by this section, and the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner prescribed by section 5733.11 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes or estimated tax payments required to be paid electronically, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from the taxes imposed under this chapter. ~~The commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.~~

No additional charge shall be assessed under this division against a taxpayer that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means . The additional charge may be assessed upon the remittance of any subsequent tax payment that the taxpayer remits by some means other than electronically.

Sec. 5735.062. (A) If the tax commissioner so requires, the dealer shall remit each monthly tax payment electronically

as prescribed by division (B) of this section.

The commissioner shall notify each dealer required to remit taxes electronically of the dealer's obligation to do so. Failure by the commissioner to notify a dealer subject to this section to remit taxes electronically does not relieve the dealer of its obligation to remit taxes electronically.

(B) Dealers required by division (A) of this section to remit payments electronically shall remit such payments through the Ohio business gateway, as defined in section 718.01 of the Revised Code, or in another manner as prescribed by the commissioner. Required payments shall be remitted on or before the dates specified under section 5735.06 of the Revised Code. The payment of taxes electronically does not affect a dealer's obligation to file the monthly return as required under section 5735.06 of the Revised Code.

A dealer required by this section to remit taxes electronically may apply to the commissioner to be excused from that requirement. The commissioner may excuse the dealer from the electronic remittance requirement for good cause shown for the period of time requested by the dealer or for a portion of that period.

(C) If a dealer required by this section to remit taxes electronically fails to do so, the commissioner may impose a penalty on the dealer not to exceed one of the following:

(1) For the first return period the dealer fails to remit taxes electronically, the greater of twenty-five dollars or five per cent of the amount of the payment required to be remitted;

(2) For the second or any subsequent return period the dealer fails to remit taxes electronically, the greater of fifty

dollars or ten per cent of the amount of the payment required to be remitted.

The penalty imposed under division (C) of this section is in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the taxes imposed under this chapter. A penalty may be collected by assessment in the manner prescribed by section 5735.12 of the Revised Code. ~~The commissioner may abate all or a portion of a penalty.~~

(D) The commissioner may adopt rules necessary to administer this section.

Sec. 5735.12. (A) Any person required by this chapter to file reports or pay the tax levied by this chapter who fails to do so within the time prescribed may be liable for an additional charge not exceeding the greater of ten per cent of the person's tax liability for that month or fifty dollars. ~~The tax commissioner may remit all or a portion of the additional charge and may adopt rules relating to the remission of all or a portion of the charge.~~

If any person required by this chapter to file reports or pay the taxes, interest, or additional charge levied by this chapter fails to file the report, files an incomplete or incorrect report, or fails to remit the full amount of the tax, interest, or additional charge due for the period covered by the report, the commissioner may make an assessment against the person based upon any information in the commissioner's possession.

No assessment shall be made against any motor fuel dealer for taxes imposed by this chapter more than four years after the date on which the report on which the assessment was based was

due or was filed, whichever is later. This section does not bar an assessment against any motor fuel dealer who fails to file a report required by section 5735.06 of the Revised Code, or who files a fraudulent motor fuel tax report.

A penalty of up to fifteen per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment in writing, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the

assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the business of the party assessed is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state motor fuel tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this

section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by this chapter.

(E) If the tax commissioner determines that the commissioner has erroneously refunded motor fuel tax to any person, the commissioner may make an assessment against the person for recovery of the erroneously refunded tax.

Sec. 5735.121. (A) If the tax commissioner finds that any person liable for tax under this chapter is about to depart from the state, remove property from the state, conceal self, or conceal the person's property, or do any other act tending to prejudice, obstruct, or render wholly or partly ineffectual proceedings to collect the tax, unless proceedings are commenced without delay, or if the commissioner believes that the collection of the amount due from any person will be jeopardized by delay, the commissioner may issue a jeopardy assessment against the person for the amount of the tax, plus a penalty of up to fifteen per cent. Upon issuance of a jeopardy assessment under this division, the total amount assessed shall immediately be due and payable unless security is provided pursuant to division (C) of this section. Any assessment issued under this section shall bear interest in the manner prescribed in section 5735.12 of the Revised Code.

(B) The commissioner immediately shall file an entry with the clerk of the court of common pleas in the same manner and with the same effect as provided in section 5735.12 of the Revised Code. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The person assessed

may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 5735.12 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of the existence of the judgment filed pursuant to this division, any public official having control or custody of any funds or property of the person assessed immediately shall pay or deliver the funds or property to the commissioner as full or partial satisfaction of the jeopardy assessment. However, funds or property needed as evidence in criminal proceedings or that is expected to be forfeited pursuant to Chapter 2981. of the Revised Code, need not be relinquished by the public official. Upon disposition of criminal and forfeiture proceedings, funds and property not needed as evidence and not forfeited shall be delivered to the commissioner.

(C) If the person subject to a jeopardy assessment files a petition for reassessment and posts security satisfactory to the commissioner in an amount sufficient to satisfy the unpaid balance of the assessment, execution on the judgment shall be stayed pending disposition of the petition for reassessment and all appeals resulting from the petition. If the security is sufficient to satisfy the full amount of the assessment, the commissioner shall return any funds or property of the person that previously were seized. Upon satisfaction of the assessment, the commissioner shall order the security released and the judgment vacated.

~~(D) The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.~~

Sec. 5736.05. (A) Any taxpayer that fails to file a return or pay the full amount of the tax due within the period prescribed therefor under this chapter shall pay a penalty in an amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section 5736.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) If a person required to remit taxes or file a return electronically under section 5736.04 of the Revised Code fails to do so, the commissioner may impose a penalty not to exceed the following:

(1) For either of the first two calendar quarters the person so fails, five per cent of the amount of the payment that was required to be remitted;

(2) For the third and any subsequent calendar quarters the person so fails, ten per cent of the amount of the payment that was required to be remitted.

(D) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

~~(E) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.~~

~~(F)~~ If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

Sec. 5736.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any ~~tax~~ amounts as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) Unless the person assessed, within sixty days after service of the notice of assessment, files with the commissioner~~, either personally or by certified mail,~~ a written petition signed by the person or the person's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the

Revised Code.

(C)(1) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county.

(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the petroleum activity tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this

section.

(D) If the commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section, and such amounts shall be considered as revenue arising from the tax imposed under this chapter.

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for ~~the tax~~ amounts imposed under this chapter more than four years after the due date for the filing of the return or application for the tax period for which the ~~tax~~ amount was reported, or more than four years after the return or application for the tax

period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5736.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the commissioner may audit a sample of the taxpayer's calculated gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

Sec. 5739.027. (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, the tax due on the sale to a consumer who is a nonresident of this state of a watercraft or outboard motor required to be titled pursuant to Chapter 1548. of the Revised Code, or on the sale of a watercraft documented or to be documented with the United States coast guard, shall be the ~~lesser of the combined tax rate in effect at the location of~~

~~the vendor or the sales, use, or similar excise tax that the consumer would owe in the state of the consumer's intended titling, registration, or use of the watercraft or outboard motor~~amount of tax that would be due under this chapter and Chapter 5741. of the Revised Code if the total combined rate was six per cent, if all of the following apply:

(1) The consumer immediately will remove the watercraft or outboard motor from this state for use outside this state;

(2) The consumer will title or register the watercraft or outboard motor in another state, if such titling or registration is required;

(3) The consumer will pay all applicable sales, use, or similar excise taxes due in the state of titling, registration, or use;

(4) The state of titling, registration, or use grants a credit against its sales, use, or similar excise tax for tax paid to this state;

(5) The consumer executes the affidavit specified in division (C) of this section.

The vendor shall collect the tax and remit it to the state in the manner specified by the tax commissioner.

(B) If all of the conditions specified in division (A) of this section exist, except that the state of titling, registration, or use does not grant a credit for sales or use tax paid to this state, or that the consumer's ownership or use of the watercraft or outboard motor is exempt or otherwise not taxable in such other state, the consumer may take title to and possession of the watercraft or outboard motor without payment of any sales or use tax to this state.

(C) Every nonresident consumer who purchases a watercraft or outboard motor, as described in division (A) of this section, for immediate removal from this state shall execute an affidavit in duplicate, in such form as the tax commissioner specifies, affirming such facts and specifying the consumer's tax liability in the intended state of titling, registration, or use. The affidavit shall be given to the vendor. The vendor shall retain a copy of the affidavit and file another copy with the clerk of the court of common pleas if the vendor is procuring an Ohio title on behalf of the consumer. The original copy of the affidavit shall be filed with the tax commissioner in the manner prescribed by the tax commissioner.

(D) If the vendor procures a title on behalf of the nonresident consumer from the clerk of the court of common pleas of the county where the vendor is located on the sale of a watercraft or outboard motor, the vendor shall file the affidavit specified in division (C) of this section with the clerk. The clerk shall issue the title without requiring payment of a sales or use tax.

(E) If the watercraft or outboard motor is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, for purposes of this section the state of residence of the consumer shall be the state of residence of the principal shareholder.

(F) For purposes of this section, the consideration received for watercraft trailers not required to be titled pursuant to Chapter 4505. of the Revised Code and other accessories, which are transferred to a nonresident consumer with the watercraft or outboard motor, is part of the price of the watercraft or outboard motor, provided that such

consideration is included in the price of the watercraft or outboard motor as reported by the vendor. Tangible personal property sold separately to the nonresident consumer shall be taxed as otherwise provided in this chapter and Chapter 5741. of the Revised Code.

(G) A vendor who in good faith accepts an affidavit provided by a nonresident consumer pursuant to division (C) of this section may rely upon the representations made in the affidavit.

(H) All provisions of this chapter and of Chapter 5741. of the Revised Code that are not inconsistent with this section apply to transactions described in this section.

(I) Any vendor who makes sales described in this section shall file with the tax commissioner any supplemental report or return the tax commissioner considers necessary for the efficient administration and enforcement of this section.

Sec. 5739.032. (A) If the total amount of tax required to be paid by a permit holder under section 5739.031 of the Revised Code for any calendar year equals or exceeds seventy-five thousand dollars, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year electronically as prescribed by division (B) of this section.

If a permit holder's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the permit holder is relieved of the requirement to remit taxes electronically for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or

exceeds seventy-five thousand dollars.

Failure by the tax commissioner to notify a permit holder subject to this section to remit taxes electronically does not relieve the permit holder of its obligation to remit taxes in that manner.

(B) Permit holders required by division (A) of this section to remit payments electronically shall remit such payments by using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another means of electronic payment, and as follows:

(1) On or before the twenty-third day of each month, a permit holder shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a permit holder shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The electronic payment of taxes does not affect a permit holder's obligation to file the monthly return as required under section 5739.031 of the Revised Code.

(C)(1)(a) If a permit holder that is required to remit payments under division (B) of this section fails to make a payment, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed five per cent of that unpaid amount.

(b) Division (C)(1)(a) of this section does not apply if the permit holder's payment under division (B)(1) of this

section is equal to or greater than seventy-five per cent of the permit holder's reported liability for the same month in the immediately preceding calendar year.

(2) If a permit holder required by this section to remit taxes electronically remits those taxes by some means other than electronically as prescribed by this section and the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may impose an additional charge not to exceed the lesser of five per cent of the amount of the taxes required to be paid electronically or five thousand dollars.

(3) Any additional charge imposed under division (C)(1) or (2) of this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. ~~The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.~~

No additional charge shall be imposed under division (C)(2) of this section against a permit holder that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be imposed upon the remittance of any subsequent tax payment that the permit holder remits by some means other than electronically.

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor has paid taxes to the tax commissioner or the commissioner's agent, the commissioner shall refund to the vendor the amount of

taxes paid, and any penalties assessed with respect to such taxes, if the vendor has refunded to the consumer the full amount of taxes the consumer paid illegally or erroneously or if the vendor has illegally or erroneously billed the consumer but has not collected the taxes from the consumer.

(B) When, pursuant to this chapter, a consumer has paid taxes directly to the tax commissioner or the commissioner's agent, and the payment or assessment was illegal or erroneous, the commissioner shall refund to the consumer the full amount of illegal or erroneous taxes paid and any penalties assessed with respect to such taxes.

(C) The commissioner shall refund to the consumer amounts paid illegally or erroneously to a vendor only if:

(1) The commissioner has not refunded the tax to the vendor and the vendor has not refunded the tax to the consumer; or

(2) The consumer has received a refund from a manufacturer or other person, other than the vendor, of the full purchase price, but not the tax, paid to the vendor in settlement of a complaint by the consumer about the property or service purchased.

The commissioner may require the consumer to obtain or the vendor to provide a written statement confirming that the vendor has not refunded the tax to the consumer and has not filed an application for refund of the tax with the commissioner.

(D) Subject to division (E) of this section, an application for refund shall be filed with the tax commissioner on the form prescribed by the commissioner within four years from the date of the illegal or erroneous payment, unless the

vendor or consumer waives the time limitation under division (A)(3) of section 5739.16 of the Revised Code. If the time limitation is waived, the refund application period shall be extended for the same period as the waiver.

(E) An application for refund shall be filed in accordance with division (D) of this section unless a person is subject to an assessment that is subject to the time limit of division (B) of section 5703.58 of the Revised Code for amounts not reported and paid between the four-year time limit described in division (D) of this section and the seven-year limit described in division (B) of section 5703.58 of the Revised Code, in which case the person may file an application within six months after the date the assessment is issued. Any refund allowed under this division shall not exceed the amount of the assessment due for the same period.

(F) On the filing of an application for a refund, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(G) When a refund is granted under this section, it shall include interest thereon as provided by section 5739.132 of the Revised Code, except that no such interest shall be granted when a refund is granted for illegal or erroneous payments made pursuant to a direct payment permit issued under section 5739.031 of the Revised Code or division (I) of section 122.175

of the Revised Code.

Sec. 5739.102. A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the tax commissioner showing the person's taxable gross receipts from sales described under division (B)(1) or (2) or (C) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the month following the end of the reporting period prescribed by the commissioner, and shall include with the return payment of the tax for the period. The remittance shall be made payable to the treasurer of state.

Upon receipt of a return, the tax commissioner shall credit any money included with it to the resort area excise tax fund, which is hereby created. Within forty-five days after the end of each month, the commissioner shall provide for the distribution of all money paid during that month into the resort area excise tax fund to the appropriate municipal corporations and townships, after first subtracting and crediting to the general revenue fund one per cent to cover the costs of administering the excise tax.

If a person liable for the tax fails to file a return or pay the tax as required under this section and the rules of the tax commissioner, the person shall pay an additional charge of the greater of fifty dollars or ten per cent of the tax due for the return period. The additional charge shall be considered revenue arising from the tax levied under section 5739.101 of the Revised Code, and may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. ~~The tax commissioner may remit all or a portion of the charge.~~

Sec. 5739.12. (A)(1) Each person who has or is required to have a vendor's license, on or before the twenty-third day of each month, shall make and file a return for the preceding month in the form prescribed by the tax commissioner, and shall pay the tax shown on the return to be due. The return shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the commissioner. Payment of the tax shown on the return to be due shall be made electronically in a manner approved by the commissioner. The commissioner may require a vendor that operates from multiple locations or has multiple vendor's licenses to report all tax liabilities on one consolidated return. The return shall show the amount of tax due from the vendor to the state for the period covered by the return and such other information as the commissioner deems necessary for the proper administration of this chapter. The commissioner may extend the time for making and filing returns and paying the tax, and may require that the return for the last month of any annual or semiannual period, as determined by the commissioner, be a reconciliation return detailing the vendor's sales activity for the preceding annual or semiannual period. The reconciliation return shall be filed by the last day of the month following the last month of the annual or semiannual period. ~~The commissioner may remit all or any part of amounts or penalties that may become due under this chapter and may adopt rules relating thereto.~~ Such return shall be filed electronically as directed by the tax commissioner, and payment of the amount of tax shown to be due thereon, after deduction of any discount provided for under this section, shall be made electronically in a manner approved by the tax commissioner.

(2) Any person required to file returns and make payments electronically under division (A)(1) of this section may apply to the tax commissioner on a form prescribed by the commissioner to be excused from that requirement. For good cause shown, the commissioner may excuse the person from that requirement and may permit the person to file the returns and make the payments required by this section by nonelectronic means.

(B)(1) If the return is filed and the amount of tax shown thereon to be due is paid on or before the date such return is required to be filed, the vendor shall be entitled to a discount of three-fourths of one per cent of the amount shown to be due on the return.

(2) A vendor that has selected a certified service provider as its agent shall not be entitled to the discount if the certified service provider receives a monetary allowance pursuant to section 5739.06 of the Revised Code for performing the vendor's sales and use tax functions in this state. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the applicable discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax.

(C)(1) Upon application to the tax commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years

immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed electronically as directed by the tax commissioner, and payment of the amount of tax shown to be due thereon, after deduction of any discount provided in this section, shall be made electronically in a manner approved by the commissioner. Failure of a vendor to comply with any of the above conditions may result in immediate reinstatement of the requirement of reporting and paying the actual tax liability on each monthly return, and the commissioner may at the commissioner's discretion deny the vendor the right to report and pay based upon the average monthly liability for a period not to exceed two years. The amount ascertained by the commissioner to be the average monthly tax liability of a vendor may be adjusted, based upon a review of the returns or other information pertaining to the vendor for a period of not less than six months nor more than two years preceding such adjustment.

(2) The commissioner may authorize vendors whose tax liability is not such as to merit monthly returns, as ascertained by the commissioner upon the basis of administrative costs to the state, to make and file returns at less frequent intervals. When returns are filed at less frequent intervals in accordance with such authorization, the vendor shall be allowed the discount provided in this section in consideration for prompt payment with the return, provided the return is filed and payment is made of the amount of tax shown to be due thereon, at the time specified by the commissioner, but a vendor that has selected a certified service provider as its agent shall not be entitled to the discount.

(D) Any vendor who fails to file a return or to pay the full amount of the tax shown on the return to be due in the manner prescribed under this section and the rules of the commissioner may, for each such return, be required to forfeit and pay into the state treasury an additional charge not exceeding fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater, as revenue arising from the tax imposed by this chapter, and such sum may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. ~~The commissioner may remit all or a portion of the additional charge and may adopt rules relating to the imposition and remission of the additional charge.~~

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods.

(G) Any vendor required to file a return and pay the tax under this section whose total payment for a year equals or exceeds the amount shown in division (A) of section 5739.122 of

the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. For a vendor that operates from multiple locations or has multiple vendor's licenses, in determining whether the vendor's total payment equals or exceeds the amount shown in division (A) of that section, the vendor's total payment amount shall be the amount of the vendor's total tax liability for the previous calendar year for all of the vendor's locations or licenses.

Sec. 5739.122. (A) If the total amount of tax required to be paid by a vendor under section 5739.12 of the Revised Code for any calendar year equals or exceeds seventy-five thousand dollars, the vendor shall remit each monthly tax payment in the second ensuing and each succeeding tax year on an accelerated basis as prescribed by divisions (B) and (C) of this section.

If a vendor's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the vendor is relieved of the requirement to remit taxes in the manner prescribed by this section for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars.

The tax commissioner shall notify each vendor required to make accelerated tax payments of the vendor's obligation to do so and shall maintain an updated list of those vendors. Failure by the tax commissioner to notify a vendor subject to this section to remit taxes on an accelerated basis does not relieve the vendor of its obligation to remit taxes as provided under division (B) of this section.

(B) Vendors required by division (A) of this section to

make accelerated tax payments shall electronically remit such payments to the tax commissioner in a manner approved by the commissioner, as follows:

(1) On or before the twenty-third day of each month, a vendor shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a vendor shall report the taxes collected for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The payment of taxes on an accelerated basis under this section does not affect a vendor's obligation to file returns and pay the tax shown on the returns to be due as required under section 5739.12 of the Revised Code.

(C) A vendor required by this section to remit taxes on an accelerated basis may apply to the tax commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse the vendor from remittance on an accelerated basis for good cause shown for the period of time requested by the vendor or for a portion of that period.

(D)(1)(a) If a vendor that is required to remit payments under division (B) of this section fails to make a payment required under division (B)(1) of this section, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed five per cent of that unpaid amount.

(b) Division (D)(1)(a) of this section does not apply if

the vendor's payment under division (B)(1) of this section is equal to or greater than seventy-five per cent of the vendor's reported liability for the same month in the immediately preceding calendar year.

(2) Any additional charge imposed under division (D)(1) of this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. ~~The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.~~

Sec. 5739.124. (A) If required by the tax commissioner, a permit holder required to make payments under section 5739.032 of the Revised Code shall file all returns and reports electronically. The commissioner may require the permit holder to use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or any other electronic means approved by the commissioner, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed under section 5739.032 of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the tax commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve the application for good cause.

(C)(1) If a person required to file a report or return electronically under this section fails to do so, the tax commissioner may impose an additional charge not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the report or return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the report or return.

(2) The charges authorized under division (C)(1) of this section are in addition to any other charge or penalty authorized under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. ~~The commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.~~

Sec. 5739.13. (A) If any vendor collects the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, and fails to remit the tax to the state as prescribed, or on the sale of a motor vehicle, watercraft, or outboard motor required to be titled, fails to remit payment to a clerk of a court of common pleas as provided in section 1548.06 or 4505.06 of the Revised Code, the vendor shall be personally liable for any tax collected and not remitted. The tax commissioner may make an assessment against such vendor based upon any information in the commissioner's possession.

If any vendor fails to collect the tax or any consumer fails to pay the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, on any transaction subject to the tax, the vendor or consumer shall be personally liable for the amount of the tax applicable to the transaction. The commissioner may make an assessment against either the vendor or consumer, as the facts may require, based

upon any information in the commissioner's possession.

An assessment against a vendor when the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code has not been collected or paid, shall not discharge the purchaser's or consumer's liability to reimburse the vendor for the tax applicable to such transaction.

An assessment issued against either, pursuant to this section, shall not be considered an election of remedies, nor a bar to an assessment against the other for the tax applicable to the same transaction, provided that no assessment shall be issued against any person for the tax due on a particular transaction if the tax on that transaction actually has been paid by another.

The commissioner may make an assessment against any vendor who fails to file a return or remit the proper amount of tax required by this chapter, or against any consumer who fails to pay the proper amount of tax required by this chapter. When information in the possession of the commissioner indicates that the amount required to be collected or paid under this chapter is greater than the amount remitted by the vendor or paid by the consumer, the commissioner may audit a sample of the vendor's sales or the consumer's purchases for a representative period, to ascertain the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample.

The commissioner may make an assessment, based on any information in the commissioner's possession, against any person who fails to file a return or remit the proper amount of tax

required by section 5739.102 of the Revised Code.

The commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due from the party assessed and payable to the treasurer of state and remitted to the tax commissioner. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a

certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the place of business of the party assessed is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state, county, and transit authority retail sales tax" or, if appropriate, "special judgments for resort area excise tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment except as otherwise provided in this chapter.

If the assessment is not paid in its entirety within sixty days after the date the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its

entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by or pursuant to sections 5739.01 to 5739.31 of the Revised Code.

Sec. 5739.133. (A) A penalty may be added to every amount assessed under section 5739.13 or 5739.15 of the Revised Code as follows:

(1) In the case of an assessment against a person who fails to collect and remit the tax required by this chapter or Chapter 5741. of the Revised Code, up to fifty per cent of the amount assessed;

(2) In the case of a person whom the tax commissioner believes has collected the tax but failed to remit it to the state as required by this chapter or Chapter 5741. of the Revised Code, up to fifty per cent of the amount assessed;

(3) In the case of all other assessments, up to fifteen per cent of the amount assessed.

No amount assessed under section 5739.13 or 5739.15 of the Revised Code shall be subject to a penalty under this section in excess of fifty per cent of the amount assessed.

(B) All assessments issued under section 5739.13 and 5739.15 of the Revised Code shall include preassessment interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code. Beginning January 1, 1988, preassessment interest shall begin to accrue on the first day of January of the year following the date on which the person assessed was

required to report and pay the tax under this chapter or Chapter 5741. of the Revised Code, and shall run until the date of the notice of assessment. If an assessment is issued within the first twelve months after the interest begins to accrue, no preassessment interest shall be assessed. With respect to taxes required to be paid under this chapter or Chapter 5741. of the Revised Code on or after January 1, 1998, interest shall accrue as prescribed in division (A) of section 5739.132 of the Revised Code.

~~(C) The commissioner may adopt rules providing for the imposition and remission of any penalty provided for under this section.~~

Sec. 5739.31. (A)(1) No person shall engage in the business of selling at retail or sell at retail incidental to any other regularly conducted business without having a license therefor, as required by sections 5739.01 to 5739.31 of the Revised Code.

(2) No person shall engage in the business of selling at retail as a transient vendor, as defined in section 5739.17 of the Revised Code, without first having obtained a license as required by that section.

(B) No person shall continue to engage in the business of selling at retail or sell at retail incidental to any other regularly conducted business after the license issued to that person pursuant to section 5739.17 of the Revised Code has been suspended by the tax commissioner under division (B)(2) of section 5739.30 of the Revised Code, nor shall any person obtain a new license from ~~the~~ any county auditor or the tax commissioner while such suspension is in effect. If a corporation's license has been suspended, none of its officers,

or employees having control or supervision of or charged with the responsibility of filing returns and making payments of tax due, shall obtain a license from ~~the~~ any county auditor or the tax commissioner during the period of such suspension. The tax commissioner may cancel any licenses granted while the suspension is in effect.

Sec. 5739.99. (A) Whoever violates section 5739.26 or 5739.29 of the Revised Code ~~shall be fined not less than twenty-five nor more than one hundred dollars~~ is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person ~~shall, if a corporation, be fined not less than one hundred nor more than five hundred dollars, or if an individual, or a member of a partnership, firm, or association, be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not more than sixty days, or both~~is guilty of a misdemeanor of the third degree.

(B) Whoever violates division (A) of section 5739.30 of the Revised Code ~~shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not more than sixty days, or both~~is guilty of a misdemeanor of the third degree.

(C)(1) Whoever violates division (A)(1) of section 5739.31 of the Revised Code ~~shall be fined not less than twenty-five nor more than one hundred dollars~~is guilty of a minor misdemeanor for a first offense. If the ~~offender~~ person previously has been convicted of a violation of division (A)(1) of section 5739.31 of the Revised Code, the ~~offender~~ person is guilty of a misdemeanor of the first degree. If the person previously has been convicted of two or more violations of division (A)(1) of section 5739.31 of the Revised Code, the person is guilty of a

felony of the fourth degree.

(2) Whoever violates division (A)(2) of section 5739.31 of the Revised Code ~~shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both,~~is guilty of a minor misdemeanor for the first offense; for each subsequent offense, each such person ~~shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or imprisoned not more than thirty days, or both~~is guilty of a misdemeanor of the fourth degree. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge, and may be sold at auction by the county sheriff in the manner prescribed by law to satisfy any fine imposed by this division.

(3) Whoever violates division (B) of section 5739.31 of the Revised Code is guilty of a misdemeanor of the first degree for the first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the

loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be eligible for a vendor's license for two years following conviction.

(F) Whoever violates division (E) of section 5739.17 of the Revised Code is guilty of failure to display a transient vendor's license, a minor misdemeanor. A sheriff or police officer in a municipal corporation may enforce this division. The prosecuting attorney of a county shall inform the tax commissioner of any instance when a complaint is brought against a transient vendor pursuant to this division.

(G) Whoever violates section 5739.103 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of violating that section, the offender is guilty of a felony of the fourth degree.

(H) The penalties provided in this section are in addition to any penalties imposed by the tax commissioner under section 5739.133 of the Revised Code.

Sec. 5741.121. (A) If the total amount of tax required to be paid by a seller or consumer under section 5741.12 of the Revised Code for any year equals or exceeds seventy-five thousand dollars, the seller or consumer shall remit each monthly tax payment in the second ensuing and each succeeding year on an accelerated basis as prescribed by division (B) of this section.

If a seller's or consumer's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the seller or consumer is relieved of the requirement to remit taxes on an accelerated basis for the year that next follows

the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars.

The tax commissioner shall notify each seller or consumer required to make accelerated tax payments of the seller's or consumer's obligation to do so and shall maintain an updated list of those sellers and consumers. Failure by the tax commissioner to notify a seller or consumer subject to this section to remit taxes on an accelerated basis does not relieve the seller or consumer of the obligation to remit taxes as provided under division (B) of this section.

(B) Sellers and consumers required by division (A) of this section to make accelerated tax payments shall electronically remit such payments to the tax commissioner, in a manner approved by the commissioner, as follows:

(1) On or before the twenty-third day of each month, a seller or consumer shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a seller shall report the taxes collected and a consumer shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The payment of taxes on an accelerated basis under this section does not affect a seller's or consumer's obligation to file returns and pay the tax shown on the returns to be due as required under section 5741.12 of the Revised Code.

(C) A seller or consumer required by this section to remit

taxes on an accelerated basis may apply to the tax commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the seller or consumer from remittance on an accelerated basis for good cause shown for the period of time requested by the seller or consumer or for a portion of that period.

(D)(1)(a) If a seller or consumer that is required to remit payments under division (B) of this section fails to make a payment required under division (B)(1) of this section, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed five per cent of that unpaid amount.

(b) Division (D)(1)(a) of this section does not apply if the seller's or consumer's payment under division (B)(1) of this section is equal to or greater than seventy-five per cent of the seller's or consumer's reported liability for the same month in the immediately preceding calendar year.

(2) Any additional charge imposed under division (D)(1) of this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5741.13 of the Revised Code. ~~The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.~~

Sec. 5741.122. (A) If required by the tax commissioner, a person required to make payments under section 5741.121 of the Revised Code shall file all returns and reports electronically. The commissioner may require the person to use the Ohio business

gateway, as defined in section 718.01 of the Revised Code, or any other electronic means approved by the commissioner, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed under section 5741.121 of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the tax commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve the application for good cause.

(C)(1) If a person required to file a report or return electronically under this section fails to do so, the tax commissioner may impose an additional charge not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the report or return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the report or return.

(2) The charges authorized under division (C)(1) of this section are in addition to any other charge or penalty authorized under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5741.13 of the Revised Code. ~~The commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.~~

Sec. 5743.01. As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its

political subdivisions.

(B) "Wholesale dealer" includes only those persons:

(1) Who bring in or cause to be brought into this state unstamped cigarettes purchased directly from the manufacturer, producer, or importer of cigarettes for sale in this state but does not include persons who bring in or cause to be brought into this state cigarettes with respect to which no evidence of tax payment is required thereon as provided in section 5743.04 of the Revised Code; or

(2) Who are engaged in the business of selling cigarettes, tobacco products, or vapor products to others for the purpose of resale.

"Wholesale dealer" does not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export warehouse proprietor or another manufacturer.

(C) "Retail dealer" includes:

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;

(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales;

(3) In reference to dealers in vapor products, any person in this state engaged in the business of selling vapor products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.

(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.

(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.

(G) "Storage" includes any keeping or retention of cigarettes, tobacco products, or vapor products for use or consumption in this state.

(H) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes, tobacco products, or vapor products.

(I) "Tobacco product" or "other tobacco product" means any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.

(J) "Wholesale price" means the invoice price, including all federal excise taxes, at which the manufacturer of the tobacco product sells the tobacco product to unaffiliated

distributors, excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice. If the taxpayer buys from other than a manufacturer, "wholesale price" means the invoice price, including all federal excise taxes and excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice.

(K) "Distributor" means:

(1) Any manufacturer who sells, barters, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barters, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products or vapor

products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes, tobacco products, or vapor products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) ~~"Little cigar" means any roll for smoking, other than cigarettes, made wholly or in part of tobacco that uses an integrated cellulose acetate filter or other filter and is wrapped in any substance containing tobacco, other than natural leaf tobacco.~~

~~(Q)~~ "Premium cigar" means any roll for smoking, other than cigarettes ~~and little cigars~~, that is made wholly or in part of tobacco and that has all of the following characteristics:

(1) The binder and wrapper of the roll consist entirely of leaf tobacco.

(2) The roll contains no filter or tip, nor any mouthpiece consisting of a material other than tobacco.

(3) The weight of one thousand such rolls is at least six pounds.

~~(R)~~ (Q) "Maximum tax amount" means ~~fifty~~ one dollar and fifty-eight cents plus the tax adjustment factor computed under this division.

In April of each year beginning in ~~2018~~2027, the tax commissioner shall compute a tax adjustment factor by multiplying ~~fifty~~ one dollar and fifty-eight cents by the

cumulative percentage increase in the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor from January 1, ~~2017~~2026, to the last day of December of the preceding year and rounding the resulting product to the nearest one cent; provided, that the tax adjustment factor for any year shall not be less than that for the immediately preceding year. The maximum tax amount resulting from the computation of the tax adjustment factor applies on and after the ensuing first day of July through the thirtieth day of June thereafter.

~~(S)~~ (R) "Secondary manufacturer" means any person in this state engaged in the business of repackaging, reconstituting, diluting, or reprocessing a vapor product for resale to consumers.

~~(T)~~ (S) "Vapor product" means ~~any~~ either of the following:

(1) Any liquid solution or other substance that ~~(1)~~ contains nicotine and ~~(2)~~ is depleted as it is used in an electronic smoking product.

(2) Any noncombustible product containing nicotine that is not made of tobacco and is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

"Vapor product" does not include any solution or substance regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.

~~(U)~~ (T) "Electronic smoking product" means any noncombustible product, other than a cigarette or tobacco product, that (1) contains or is designed to use vapor products

and (2) employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from the vapor product. "Electronic smoking product" includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device, but does not include any product regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.

~~(V)~~ (U) "Vapor distributor" means any person that:

(1) Sells vapor products to a retail dealer;

(2) Is a retail dealer that receives vapor products with respect to which the tax imposed by this chapter has not or will not be paid by another person that is a vapor distributor;

(3) Is a secondary manufacturer;

(4) Is a wholesale dealer located in this state that receives vapor products from a manufacturer, or receives vapor products on which the tax imposed by this chapter has not been paid;

(5) Is a wholesale dealer located outside this state that sells vapor products to a wholesale dealer in this state.

~~(W)~~ (V) "Vapor volume" means one of the following, as applicable:

(1) If a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product;

(2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product.

Sec. 5743.02. To provide revenues for the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of ~~eighty~~ one hundred fifty-five mills on each cigarette.

Only one sale of the same article shall be used in computing the amount of tax due.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.05 of the Revised Code. The balance of taxes collected under such section, after the credits to the tax refund fund, shall be paid into the general revenue fund.

Sec. 5743.025. ~~In addition to the return required by section 5743.03 of the Revised Code,~~ This section applies to, in the case of the levy or increase of a county tax under section 5743.021, 5743.024, or 5743.026 of the Revised Code, each retail dealer of cigarettes in ~~a~~ that county ~~in which a tax is levied under section 5743.021, 5743.024, or 5743.026 of the Revised Code~~ and each wholesale dealer or, in the case of an increase in the rate of tax levied under section 5743.02 of the Revised Code, all wholesale and retail dealers. In addition to the return required by section 5743.03 of the Revised Code, each dealer to whom this section applies shall, within thirty days after the date on which the tax or rate increase takes effect, make and file a return, on forms prescribed by the tax commissioner, showing the total number of cigarettes which such ~~retail~~ dealer had on hand as of the beginning of business on the date on which the tax or rate increase takes effect, and such other information as the commissioner deems necessary for the

administration of section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code. Each such ~~retail~~ dealer shall deliver the return together with a remittance of the additional amount of tax due on the cigarettes shown on such return to the commissioner. Any ~~retail~~ dealer of cigarettes who fails to file a return under this section shall, for each day the ~~retail~~ dealer so fails, forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code, as applicable, and such sum may be collected by assessment in the manner provided in section 5743.081 of the Revised Code. For thirty days after the effective date of a tax or rate increase imposed by section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code, a ~~retail~~ dealer may possess for sale or sell in the state or county in which the tax is levied, as applicable, cigarettes not bearing the stamp required by section 5743.03 of the Revised Code to evidence payment of the ~~county~~ tax but on which the tax has or will be paid.

Sec. 5743.05. The tax commissioner shall sell all stamps provided for by section 5743.03 of the Revised Code. The stamps shall be sold at their face value, except the commissioner shall, by rule, authorize the sale of stamps to wholesale dealers in this state, or to wholesale dealers outside this state, at a discount of ~~not less than one and eight-tenths per cent or more than ten per cent of their face value~~three cents per stamp, as a commission for affixing and canceling the stamps.

The commissioner, by rule, shall authorize the delivery of stamps to wholesale dealers in this state and to wholesale dealers outside this state on credit. If such a dealer has not been in good credit standing with this state for five

consecutive years preceding the purchase, the commissioner shall require the dealer to file with the commissioner a bond to the state in the amount and in the form prescribed by the commissioner, with surety to the satisfaction of the commissioner, conditioned on payment to the commissioner within thirty days or the following twenty-third day of June, whichever comes first for stamps delivered within that time. If such a dealer has been in good credit standing with this state for five consecutive years preceding the purchase, the commissioner shall not require that the dealer file such a bond but shall require payment for the stamps within thirty days after purchase of the stamps or the following twenty-third day of June, whichever comes first. Stamps sold to a dealer not required to file a bond shall be sold at face value. The maximum amount that may be sold on credit to a dealer not required to file a bond shall equal one hundred ten per cent of the dealer's average monthly purchases over the preceding calendar year. The maximum amount shall be adjusted to reflect any changes in the tax rate and may be adjusted, upon application to the commissioner by the dealer, to reflect changes in the business operations of the dealer. The maximum amount shall be applicable to the period between the first day of July to the following twenty-third day of June. Payment by a dealer not required to file a bond shall be remitted by electronic funds transfer as prescribed by section 5743.051 of the Revised Code. If a dealer not required to file a bond fails to make the payment in full within the required payment period, the commissioner shall not thereafter sell stamps to that dealer until the dealer pays the outstanding amount, including penalty and interest on that amount as prescribed in this chapter, and the commissioner thereafter may require the dealer to file a bond until the dealer is restored to good standing. The commissioner shall limit delivery of

stamps on credit to the period running from the first day of July of the fiscal year until the twenty-third day of the following June. Any discount allowed as a commission for affixing and canceling stamps shall be allowed with respect to sales of stamps on credit.

The commissioner shall redeem and pay for any destroyed, unused, or spoiled tax stamps at their net value, and shall refund to wholesale dealers the net amount of state and county taxes paid erroneously or paid on cigarettes that have been sold in interstate or foreign commerce or that have become unsalable, and the net amount of county taxes that were paid on cigarettes that have been sold at retail or for retail sale outside a taxing county.

An application for a refund of tax shall be filed with the commissioner, on the form prescribed by the commissioner for that purpose, within three years from the date the tax stamps are destroyed or spoiled, from the date of the erroneous payment, or from the date that cigarettes on which taxes have been paid have been sold in interstate or foreign commerce or have become unsalable.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled, payable from receipts of the state tax, and, if applicable, payable from receipts of a county tax. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5743.051. This section applies to any wholesale or retail cigarette dealer required by section 5743.05 of the Revised Code to remit payment for tax stamps electronically. The tax commissioner shall notify each dealer of the dealer's obligation to do so and shall maintain an updated list of those dealers. Failure by the commissioner to notify a dealer subject to this section to remit taxes electronically does not relieve the dealer of its obligation to remit taxes in that manner.

A dealer required to remit payments electronically shall remit such payments to the commissioner in the manner approved by the commissioner and within the time prescribed for such a dealer by section 5743.05 of the Revised Code.

A dealer required to remit taxes electronically may apply to the commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the dealer from electronic remittance for good cause shown for the period of time requested by the dealer or for a portion of that period.

If a dealer required to remit taxes electronically remits those taxes by some other means, and the commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner prescribed by section 5743.081 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes required to be paid

electronically but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter and shall be considered as revenue arising from taxes imposed under this chapter. ~~The commissioner may abate all or a portion of such a charge and may adopt rules governing such remissions.~~

No additional charge shall be assessed under this section against a dealer that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be assessed upon the remittance of any subsequent tax payment that the dealer remits by some means other than electronically.

Sec. 5743.081. (A) If any wholesale dealer or retail dealer fails to pay the tax levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code as required by sections 5743.01 to 5743.20 of the Revised Code, and by the rules of the tax commissioner, or fails to collect the tax from the purchaser or consumer, the commissioner may make an assessment against the wholesale or retail dealer based upon any information in the commissioner's possession.

The commissioner may make an assessment against any wholesale or retail dealer who fails to file a return required by section 5743.03 or 5743.025 of the Revised Code.

No assessment shall be made against any wholesale or retail dealer for any taxes imposed under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code more than three years after the last day of the calendar month that immediately follows the monthly period prescribed in section 5743.03 of the Revised Code in which the sale was made, or more

than three years after the return for the month in which the sale was made is filed, whichever is later. This section does not bar an assessment against any wholesale or retail dealer who fails to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. ~~The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.~~

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. The notice shall specify separately any portion of the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the wholesale or retail dealer's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the commissioner's entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state cigarette sales tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as otherwise provided in sections 5743.01 to 5743.20 of the Revised Code.

If the assessment is not paid in its entirety within sixty days after the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum

prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by sections 5743.01 to 5743.20 of the Revised Code.

Sec. 5743.082. (A) If the tax commissioner finds that a wholesale dealer or retail dealer, liable for tax under sections 5743.01 to 5743.20 of the Revised Code, is about to depart from the state, remove the wholesale or retail dealer's property from the state, conceal the wholesale or retail dealer's person or property, or do any other act tending to prejudice, obstruct, or render wholly or partly ineffectual proceedings to collect the tax, unless the proceedings are commenced without delay, or if the commissioner believes that the collection of the amount due from any wholesale dealer or retail dealer will be jeopardized by delay, the commissioner may issue a jeopardy assessment against the wholesale or retail dealer for the amount of the tax, plus a penalty of up to thirty per cent. Upon issuance of a jeopardy assessment under this division, the total amount assessed shall immediately be due and payable unless security is provided pursuant to division (C) of this section. Any assessment issued under this section shall bear interest as prescribed by section 5743.081 of the Revised Code.

(B) The commissioner immediately shall file an entry with the clerk of the court of common pleas in the same manner and with the same effect as provided in section 5743.081 of the Revised Code. Notice of the jeopardy assessment shall be served

on the dealer assessed or the dealer's legal representative, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The dealer assessed may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 5743.081 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of the existence of the judgment filed pursuant to this division, any public official having control or custody of any funds or property of the person assessed immediately shall pay or deliver the funds or property to the commissioner as full or partial satisfaction of the jeopardy assessment. However, funds or property needed as evidence in criminal proceedings or that is expected to be forfeited pursuant to Chapter 2981. of the Revised Code, need not be relinquished by the public official. Upon disposition of criminal and forfeiture proceedings, funds and property not needed as evidence and not forfeited shall be delivered to the commissioner.

(C) If the dealer subject to a jeopardy assessment files a petition for reassessment and posts security satisfactory to the commissioner in an amount sufficient to satisfy the unpaid balance of the assessment, execution on the judgment shall be stayed pending disposition of the petition for reassessment and all appeals resulting from the petition. If the security is sufficient to satisfy the full amount of the assessment, the commissioner shall return any funds or property of the dealer that previously were seized. Upon satisfaction of the assessment the commissioner shall order the security released and the judgment vacated.

~~(D) The commissioner may adopt rules providing for the imposition and remission of penalties imposed under this section.~~

Sec. 5743.32. To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the use, consumption, or storage for consumption of cigarettes by consumers in this state at the rate of ~~eighty~~ one hundred fifty-five mills on each cigarette. The tax shall not apply if the tax levied by section 5743.02 of the Revised Code has been paid.

The money received into the state treasury from the excise tax levied by this section shall be credited to the general revenue fund.

Sec. 5743.51. (A) To provide revenue for the general revenue fund of the state, an excise tax on tobacco products and vapor products is hereby levied at one of the following rates:

(1) For tobacco products other than ~~little cigars or~~ premium cigars, ~~seventeen~~ forty-two per cent of the wholesale price of the tobacco product received by a distributor or sold by a manufacturer to a retail dealer located in this state.

(2) ~~Thirty-seven per cent of the wholesale price of little cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state.~~

~~(3)~~ For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of ~~seventeen~~ forty-two per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

~~(4)~~ (3) For vapor products, ~~one cent~~ two cents multiplied by the vapor volume of vapor products the first time the

products are received by a vapor distributor in this state.

Each distributor or vapor distributor who brings tobacco products or vapor products, or causes tobacco products or vapor products to be brought, into this state for distribution within this state, or any out-of-state distributor or vapor distributor who sells tobacco products or vapor products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due. If a vapor product is repackaged, reconstituted, diluted, or reprocessed, the subsequent sale of that vapor product shall be considered another sale of the same article for purposes of computing the amount of tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code~~, including rules providing for the remission of penalties imposed~~.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products or vapor products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has

provided a copy of the statement to the tax commissioner.

Sec. 5743.52. (A) Each distributor of tobacco products or vapor distributor subject to the tax levied by section 5743.51 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of this chapter, together with remittance of the tax due. The return and payment of the tax required by this section shall be filed and made electronically on or before the twenty-third day of the month following the reporting period. ~~If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the distributor or vapor distributor is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.~~

(B) Any person who fails to timely file the return and make payment of taxes as required under this section, section 5743.62, or section 5743.63 of the Revised Code may be required to pay an additional charge not exceeding the greater of fifty dollars or ten per cent of the tax due. Any additional charge imposed under this section may be collected by assessment as provided in section 5743.56 of the Revised Code.

(C) If any tax due is not paid timely in accordance with this section or section 5743.62 or 5743.63 of the Revised Code, the person liable for the tax shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued under section 5743.56 of the Revised Code, whichever occurs first. The

commissioner may collect such interest by assessment pursuant to section 5743.56 of the Revised Code.

(D) The commissioner may authorize the filing of returns and the payment of the tax required by this section, section 5743.62, or section 5743.63 of the Revised Code for periods longer than a calendar month.

(E) The commissioner may order any taxpayer to file with the commissioner security to the satisfaction of the commissioner conditioned upon filing the return and paying the taxes required under this section, section 5743.62, or section 5743.63 of the Revised Code if the commissioner believes that the collection of the tax may be in jeopardy.

Sec. 5743.56. (A) Any person required to pay the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code is personally liable for the tax. The tax commissioner may make an assessment, based upon any information in the commissioner's possession, against any person who fails to file a return or pay any tax, interest, or additional charge as required by this chapter. The commissioner shall give the person assessed written notice of such assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) When the information in the possession of the tax commissioner indicates that a person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code has not paid the full amount of tax due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on such audit.

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. ~~The tax commissioner may adopt rules providing for the imposition and remission of such penalties.~~

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person assessed conducts business. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the

clerk in a loose-leaf book entitled "special judgments for state tobacco products tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(F) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of

the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of the Revised Code.

Sec. 5743.62. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products or vapor products in this state at one of the following rates:

(1) For tobacco products other than ~~little cigars or~~ premium cigars, ~~seventeen~~ forty-two per cent of the wholesale price of the tobacco product whenever the tobacco product is delivered to a consumer in this state for the storage, use, or other consumption of such tobacco products.

(2) ~~For little cigars, thirty-seven per cent of the wholesale price of the little cigars whenever the little cigars are delivered to a consumer in this state for the storage, use, or other consumption of the little cigars.~~

~~(3)~~ For premium cigars, whenever the premium cigars are delivered to a consumer in this state for the storage, use, or other consumption of the premium cigars, the lesser of ~~seventeen~~ forty-two per cent of the wholesale price of such premium cigars

or the maximum tax amount per each such premium cigar.

~~(4)~~ (3) For vapor products, ~~one cent~~ two cents multiplied by the vapor volume of vapor products when the vapor products are delivered to a consumer in this state for the storage, use, or other consumption of the vapor products.

The tax imposed by this section applies only to sellers having substantial nexus with this state, as defined in section 5741.01 of the Revised Code.

(B) A seller of tobacco products or vapor products who has substantial nexus with this state as defined in section 5741.01 of the Revised Code shall register with the tax commissioner and supply any information concerning the seller's contacts with this state as may be required by the tax commissioner. A seller who does not have substantial nexus with this state may voluntarily register with the tax commissioner. A seller who voluntarily registers with the tax commissioner is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the tax commissioner under this division.

(C) Each seller of tobacco products or vapor products subject to the tax levied by this section, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the twenty-third day of the month following the reporting period. ~~If the return~~

~~is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.~~

(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(E) Each seller of tobacco products or vapor products subject to the tax levied by this section shall mark on the invoices of tobacco products or vapor products sold that the tax levied by that section has been paid and shall indicate the seller's account number as assigned by the tax commissioner.

Sec. 5743.63. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption of tobacco products or vapor products at one of the following rates:

(1) For tobacco products other than ~~little cigars or~~ premium cigars, ~~seventeen~~ forty-two per cent of the wholesale price of the tobacco product.

(2) ~~For little cigars, thirty-seven per cent of the wholesale price of the little cigars.~~

~~(3)~~ For premium cigars, the lesser of ~~seventeen~~ forty-two per cent of the wholesale price of the premium cigars or the maximum tax amount per each premium cigar.

~~(4)~~ (3) For vapor products, ~~one cent~~ two cents multiplied by the vapor volume of the vapor products.

The tax levied under division (A) of this section is imposed only if the tax has not been paid by the seller as provided in section 5743.62 of the Revised Code, or by the distributor or vapor distributor as provided in section 5743.51 of the Revised Code.

(B) Each person subject to the tax levied by this section, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the commissioner on or before the twenty-third day of the month following the reporting period.

(C) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

Sec. 5743.99. (A)(1) Except as provided in division (A)(2) of this section, whoever violates section 5743.10, 5743.11, or 5743.12 or division (C) of section 5743.54 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fourth degree.

(2) Unless the total number of cigarettes exceeds one thousand two hundred, an individual who violates section 5743.10 of the Revised Code is guilty of a minor misdemeanor. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the first degree.

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a felony of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the second degree.

(C) Whoever violates section 5743.19, 5743.41~~ or~~, 5743.42, or 5743.61 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the third degree.

(D) Whoever violates section 5743.21 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fifth degree.

(E) Whoever violates division (F) of section 5743.03 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(F) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(G) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the court may suspend for not less than thirty days or more than three years the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. If the court imposes such a suspension, the court shall send a copy of

its suspension order and determination to the registrar of motor vehicles, and the registrar, pursuant to the order and determination, shall impose a suspension of the same duration. No judge shall suspend the first thirty days of suspension of an offender's license, permit, or privilege required by this division. The court, in lieu of suspending the offender's driver's or commercial driver's license or permit or nonresident operating privilege, instead may require the offender to perform community service for a number of hours determined by the court.

Sec. 5745.03. (A) For each taxable year, each taxpayer shall file an annual report with the tax commissioner not later than the fifteenth day of the fourth month after the end of the taxpayer's taxable year, and shall remit with that report the amount of tax due as shown on the report less the amount paid for the year under section 5745.04 of the Revised Code. The ~~remittance shall be made in the form prescribed by the commissioner. If the amount payable with the report exceeds one thousand dollars, the~~ taxpayer shall remit ~~the~~ any amount due with the report electronically in a manner prescribed by the commissioner. The commissioner shall credit ninety-eight and one-half per cent of such remittances to the municipal income tax fund, which is hereby created in the state treasury, and credit the remainder to the municipal income tax administrative fund, which is hereby created in the state treasury.

(B) Any taxpayer that has been granted an extension for filing a federal income tax return ~~may request~~ shall automatically receive an extension for filing the return required under this section ~~by filing with the tax commissioner a copy of the taxpayer's request for the federal filing extension. The request shall be filed not later than the last day for filing the return as required under division (A) of this~~

~~section. If such a request is properly and timely filed~~, and the commissioner shall extend the last day for filing the return required under this section ~~for the same period for which the federal filing extension was granted. The commissioner may deny the filing extension request only if the taxpayer fails to timely file the request, fails to file a copy of the federal extension request, owes past due taxes, interest, or penalty under this chapter, or has failed to file a required report or other document for a prior taxable year~~to the fifteenth day of the eleventh month after the last day of the taxable year to which the return relates. The granting of an extension under this section does not extend the last day for paying taxes without penalty pursuant to this chapter unless the commissioner extends the payment date.

(C) A taxpayer that has not requested or received an extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a seven month extension of the date for filing the taxpayer's tax return. If the commissioner receives the request on or before the date the tax return is due, the commissioner shall grant the taxpayer's extension request.

(D) The annual report shall include statements of the following facts as of the last day of the taxpayer's taxable year:

(1) The name of the taxpayer;

~~(2) The name of the state or country under the laws of which it is incorporated;~~

~~(3) The location of its principal office in this state and, in the case of a taxpayer organized under the laws of~~

~~another state, the principal place of business in this state and the name and address of the officer or agent of the taxpayer in charge of the business conducted in this state;~~

~~(4) The names of the president, secretary, treasurer, and statutory agent in this state, with the post-office address of each;~~

~~(5)~~(2) The date on which the taxpayer's taxable year begins and ends;

~~(6)~~(3) The taxpayer's federal taxable income during the taxpayer's taxable year;

~~(7)~~(4) Any other information the tax commissioner requires for the proper administration of this chapter.

~~(D)~~(E) The tax commissioner may require any reports required under this chapter to be filed in an electronic format.

~~(E)~~(F) A municipal corporation may not require a taxpayer required to file a report under this section to file a report of the taxpayer's income, but a municipal corporation may require a taxpayer to report to the municipal corporation the value of the taxpayer's real and tangible personal property situated in the municipal corporation, compensation paid by the taxpayer to its employees in the municipal corporation, and sales made in the municipal corporation by the taxpayer, to the extent necessary for the municipal corporation to compute the taxpayer's municipal property, payroll, and sales factors for the municipal corporation.

~~(F)~~(G) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal

corporation fails to certify its income tax rate as required by this division, the commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each payment made to the municipal corporation under section 5745.05 of the Revised Code fifty per cent of the amount of the payment otherwise due the municipal corporation under that section as computed on the basis of the tax rate most recently certified until the municipal corporation certifies the tax rate in effect on the first day of January of that year.

The tax rate used to determine the tax payable to a municipal corporation under this section for a taxpayer's taxable year shall be the tax rate in effect in a municipal corporation on the first day of January in that taxable year. If a taxpayer's taxable year is for a period less than twelve months that does not include the first day of January, the tax rate used to determine the tax payable to a municipal corporation under this section for the taxpayer's taxable year shall be the tax rate in effect in a municipal corporation on the first day of January in the preceding taxable year.

Sec. 5745.04. (A) As used in this section, "combined tax liability" means the total of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(B) Each taxpayer shall file a declaration of estimated tax report with, and remit estimated taxes to, the tax commissioner, payable to the treasurer of state, at the times and in the amounts prescribed in divisions (B)(1) to (4) of this section. The first taxable year a taxpayer is subject to this chapter, the estimated taxes the taxpayer is required to remit

under this section shall be based solely on the current taxable year and not on the liability for the preceding taxable year.

(1) Not less than twenty-five per cent of the combined tax liability for the preceding taxable year or twenty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the fourth month after the end of the preceding taxable year.

(2) Not less than fifty per cent of the combined tax liability for the preceding taxable year or forty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the sixth month after the end of the preceding taxable year.

(3) Not less than seventy-five per cent of the combined tax liability for the preceding taxable year or sixty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the ninth month after the end of the preceding taxable year.

(4) Not less than one hundred per cent of the combined tax liability for the preceding taxable year or eighty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the twelfth month after the end of the preceding taxable year.

(C) Each taxpayer shall report on the declaration of estimated tax report the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(D) Upon receiving a declaration of estimated tax report and remittance of estimated taxes under this section, the tax commissioner shall credit ninety-eight and one-half per cent of

the remittance to the municipal income tax fund and credit the remainder to the municipal income tax administrative fund.

(E) ~~If any remittance of estimated taxes is for one thousand dollars or more, the~~ The taxpayer shall make the remittance of estimated taxes electronically as prescribed by section 5745.041 of the Revised Code.

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised Code, no penalty or interest shall be imposed on a taxpayer if the declaration of estimated tax report is properly filed, and the estimated tax is paid, within the time prescribed by division (B) of this section.

Sec. 5745.041. Any taxpayer required by section 5745.03 or 5745.04 of the Revised Code to remit tax payments electronically shall remit such payments in the manner prescribed by the tax commissioner. Except as otherwise provided in this paragraph, the payment of taxes electronically does not affect a taxpayer's obligation to file reports under this chapter.

A taxpayer required to remit taxes electronically may apply to the tax commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the taxpayer from the requirement for good cause shown for the period of time requested by the taxpayer or for a portion of that period.

If a taxpayer required by this section to remit taxes electronically remits those taxes by some means other than electronically as prescribed by this section, and the commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner

prescribed by section 5745.12 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes or estimated tax payments required to be paid electronically, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from municipal income taxes collected under this chapter. ~~The commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.~~

No additional charge shall be assessed under this section against a taxpayer that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be assessed upon the remittance of any subsequent tax payment that the taxpayer remits by some means other than electronically.

Sec. 5745.08. (A) The following penalties shall apply under the circumstances indicated:

(1) If a taxpayer required to file a report or remit tax as required by this chapter fails to make and file the report within the time prescribed, including any extensions of time granted by the tax commissioner, the tax commissioner may impose a penalty not exceeding the greater of fifty dollars per month or fraction of a month, not to exceed five hundred dollars, or five per cent per month or fraction of a month, not to exceed fifty per cent, of the tax required to be shown on the report, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the day on which the report is filed.

(2) If a taxpayer fails to timely pay any amount of ~~estimated~~ tax required to be paid under ~~division (B) of section 5745.04 of the Revised Code by the dates prescribed for payment~~this chapter, the tax commissioner may impose a penalty ~~not to exceed twice the interest charged under section 5745.09 of the Revised Code for the delinquent payment~~equal to fifteen per cent of the amount not timely paid.

(3) If a taxpayer files what purports to be a report required by this chapter that does not contain information upon which the substantial correctness of the report may be judged or contains information that on its face indicates that the report is substantially incorrect, and the filing of the report in that manner is due to a position that is frivolous or a desire that is apparent from the report to delay or impede the administration of this chapter, a penalty of up to five hundred dollars may be imposed.

(4) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any report required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the report.

(5) If any person makes a false or fraudulent claim for a refund under section 5745.11 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under division (A)(5) of this section, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 5745.12 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For the purposes of this section, the tax required to be shown on the report shall be reduced by the amount of any part of the tax paid on or before the date, including extensions of the date, prescribed for filing the report.

(C) Each penalty imposed under this section shall be in addition to any other penalty provided in this section. ~~All or part of any penalty imposed under this section may be abated by the commissioner. The tax commissioner may adopt rules governing the imposition and abatement of such penalties.~~

(D) All amounts collected under this section from a taxpayer shall be considered as taxes collected under this chapter and shall be credited and distributed to municipal corporations in the same proportions as the taxpayer's taxes are distributed for the reporting period under section 5745.05 of the Revised Code or, if the taxpayer has filed the annual report for the year under section 5745.03 of the Revised Code, in the amounts found to be due such municipal corporations on the basis of the annual report.

Sec. 5745.09. (A) In case of any underpayment of the estimated tax under section 5745.04 of the Revised Code, ~~there shall be added~~ the tax commissioner may add to the tax an amount determined at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment.

(B) The amount of the underpayment shall be the excess of division (B)(1) over division (B)(2) of this section:

(1) The amount of the estimated tax payment that would be required to be paid for the taxable year if the total estimated tax were equal to the total tax shown to be due on the annual

report, or if no report was filed, the tax for such year;

(2) The amount, if any, of the estimated tax paid on or before the last day prescribed for such payment.

(C) The period of the underpayment shall run from the date the estimated tax payment was required to be made to the date on which such payment is made. For purposes of this section, a payment of estimated tax on any payment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the payment presently due.

(D) All amounts collected under this section shall be considered as taxes collected under this chapter and shall be credited and distributed to municipal corporations in the same proportions as the taxpayer's taxes are distributed for the reporting period under section 5745.05 of the Revised Code or, if the taxpayer has filed the annual report for the year under section 5745.03 of the Revised Code, in the amounts found to be due to such municipal corporations on the basis of the annual report.

Sec. 5745.12. (A) If any taxpayer required to file a report under this chapter fails to file the report within the time prescribed, files an incorrect report, or fails to remit the full amount of the tax due for the period covered by the report, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the report or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the final date the report subject to assessment was required to be

filed or the date the report was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 5745.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which

the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless

proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as

provided by section 5745.11 of the Revised Code, with interest on that amount as provided by section 5745.11 of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States

to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:

(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;

(b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under federal law.

(6) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the work opportunity tax credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(7) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.

(8) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.

(9) Deduct or add amounts, as provided under section

5747.70 of the Revised Code, related to contributions made to or tuition units purchased under a qualified tuition program established pursuant to section 529 of the Internal Revenue Code.

(10)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(10)(a) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(10)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(10)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(10) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that

meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(13) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(14)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(15) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under

the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section.

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the

increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(17) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(17)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situsedto the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A)(17)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(17) and (18) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense

directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(18)(a) of this section is attributable to an add-back allocated under division (A)(17)(c) of this section, the amount deducted shall be situsedto the same location. Otherwise, the ~~add-back~~ deduction shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(18)(a) of this section with regard to any depreciation allowed by section

168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(18)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(17)(a) of this section has been deducted.

(19) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(20) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(21) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this

state.

(22) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(22) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established

and maintained for retired employees of the United States government, and such retirement income is based, in whole or in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(23) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(23) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(24) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code.

(25) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution.

(28) Deduct from the portion of an individual's federal adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals.

(29) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code.

(30)(a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following:

(i) Compensation paid to a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(ii) Compensation paid to a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer;

(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting disaster work in this state during a disaster response period, if, in either case, the disaster work is conducted pursuant to a qualifying solicitation received by the business.

(b) All terms used in division (A)(30) of this section have the same meanings as in section 5703.94 of the Revised Code.

(31) For a taxpayer who is a qualifying Ohio educator, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of two hundred fifty dollars or the amount of expenses described in subsections (a)(2)(D)(i) and (ii) of section 62 of the Internal Revenue Code paid or incurred by the taxpayer during the taxpayer's taxable year in excess of the amount the taxpayer is authorized to deduct for that taxable year under subsection (a)(2)(D) of that section.

(32) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as a disability severance payment, computed under 10 U.S.C. 1212,

following discharge or release under honorable conditions from the armed forces of the United States, as defined in section 5907.01 of the Revised Code.

(33) Deduct, to the extent not otherwise deducted or excluded in computing federal adjusted gross income or Ohio adjusted gross income, amounts not subject to tax due to an agreement entered into under division (A)(2) of section 5747.05 of the Revised Code.

(34) Deduct amounts as provided under section 5747.79 of the Revised Code related to the taxpayer's qualifying capital gains and deductible payroll.

To the extent a qualifying capital gain described under division (A)(34) of this section is business income, the taxpayer shall deduct those gains under this division before deducting any such gains under division (A)(28) of this section.

(35)(a) For taxable years beginning in or after 2026, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year:

(i) One hundred per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in Ohio businesses during the period for which the company was an Ohio venture operating company; and

(ii) Fifty per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in all other businesses during the period for which the company was an Ohio venture operating company.

(b) Add amounts previously deducted by the taxpayer under division (A)(35)(a) of this section if the director of development certifies to the tax commissioner that the requirements for the deduction were not met.

(c) All terms used in division (A)(35) of this section have the same meanings as in section 122.851 of the Revised Code.

(d) To the extent a capital gain described in division (A)(35)(a) of this section is business income, the taxpayer shall apply that division before applying division (A)(28) of this section.

(36) Add, to the extent not otherwise included in computing federal or Ohio adjusted gross income for any taxable year, the taxpayer's proportionate share of the amount of the tax levied under section 5747.38 of the Revised Code and paid by an electing pass-through entity for the taxable year.

Notwithstanding any provision of the Revised Code to the contrary, the portion of the addition required by division (A)(36) of this section related to the apportioned business income of the pass-through entity shall be considered business income under division (B) of this section. Such addition is eligible for the deduction in division (A)(28) of this section, subject to the applicable dollar limitations, and the tax rate prescribed by division (A)(4)(a) of section 5747.02 of the Revised Code. The taxpayer shall provide, upon request of the tax commissioner, any documentation necessary to verify the portion of the addition that is business income under this division.

(37) Deduct, to the extent not otherwise deducted or

excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts delivered to a qualifying institution pursuant to section 3333.128 of the Revised Code for the benefit of the taxpayer or the taxpayer's spouse or dependent.

(38) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received under the Ohio adoption grant program pursuant to section ~~5101.191~~ 5180.451 of the Revised Code.

(39) Deduct, to the extent included in federal adjusted gross income, income attributable to amounts provided to a taxpayer for any of the purposes for which an exclusion would have been authorized under section 139 of the Internal Revenue Code if the train derailment near the city of East Palestine on February 3, 2023, had been a qualified disaster pursuant to that section, or to compensate for lost business resulting from that derailment, if such amounts are provided by any of the following:

(a) A federal, state, or local government agency;

(b) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(c) Any subsidiary, insurer, or agent of a railroad company or any related person.

Notwithstanding any provision to the contrary, the derailment is not required to meet the definition of a "qualified disaster" pursuant to section 139 of the Internal Revenue Code to qualify for the deduction under this section.

(40) Deduct, to the extent included in federal adjusted gross income, income attributable to loan repayments on behalf

of the taxpayer under the rural practice incentive program under section 3333.135 of the Revised Code.

(41) Add any income taxes deducted in computing federal or Ohio adjusted gross income to the extent the income taxes were derived from income subject to a tax levied in another state or the District of Columbia when such tax was enacted for purposes of complying with internal revenue service notice 2020-75.

Notwithstanding any provision of the Revised Code to the contrary, the portion of the addition required by division (A)(41) of this section related to the apportioned business income of the pass-through entity shall be considered business income under division (B) of this section. Such addition is eligible for the deduction in division (A)(28) of this section, subject to the applicable dollar limitations, and the tax rate prescribed by division (A)(4)(a) of section 5747.02 of the Revised Code. The taxpayer shall provide, upon request of the tax commissioner, any documentation necessary to verify the portion of the addition that is business income under this division.

(42) Deduct amounts contributed to a homeownership savings account and calculated pursuant to divisions (B) and (C) of section 5747.85 of the Revised Code.

(43) If the taxpayer is the account owner, add the amount of funds withdrawn from a homeownership savings account not used for eligible expenses, regardless of who deposited those funds. As used in division (A)(43) of this section, "homeownership savings account," "account owner," and "eligible expenses" have the same meanings as in section 5747.85 of the Revised Code.

(B) "Business income" means income, including gain or

loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill or the sale of an equity or ownership interest in a business.

As used in this division, the "sale of an equity or ownership interest in a business" means sales to which either or both of the following apply:

(1) The sale is treated for federal income tax purposes as the sale of assets.

(2) The seller materially participated, as described in 26 C.F.R. 1.469-5T, in the activities of the business during the taxable year in which the sale occurs or during any of the five preceding taxable years.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting

in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the

Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section

shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities,

while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is

not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

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

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means one of the following:

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer

performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section;

(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the work opportunity tax credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small

business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable

income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to

report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be required to add or deduct under division ~~(A)(18)~~ (A)(17) or (18) of this section if the taxpayer's Ohio taxable income ~~were~~ was computed in the same manner as an individual's Ohio adjusted gross income is computed under this section.

(15) Add, to the extent not otherwise included in computing taxable income or Ohio taxable income for any taxable year, the taxpayer's proportionate share of the amount of the tax levied under section 5747.38 of the Revised Code and paid by an electing pass-through entity for the taxable year.

(16) Add any income taxes deducted in computing federal

taxable income or Ohio taxable income to the extent the income taxes were derived from income subject to a tax levied in another state or the District of Columbia when such tax was enacted for purposes of complying with internal revenue service notice 2020-75.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, Chapter 1706. of the Revised Code, or the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Modified business income" means the business

income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (AA)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a qualifying trust amount.

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (AA)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)

(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (AA)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (AA)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (AA)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (AA)(2)(a) of this section and for the purpose of computing the fraction described in division (AA)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's

fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (AA)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (AA)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(BB) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(CC) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(DD)(1) For the purposes of division (DD) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" means all of the following:

(1) "Armed forces of the United States" as defined in

section 5907.01 of the Revised Code;

(2) The commissioned corps of the national oceanic and atmospheric administration;

(3) The commissioned corps of the public health service.

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A)(28) and (34) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.

(KK) "Professional employer organization," "professional employer organization agreement," and "professional employer

organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code.

(LL) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code.

(MM) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code, "lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code, "sports gaming" has the same meaning as in section 3775.01 of the Revised Code, and "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

Sec. 5747.021. In addition to the tax levied under section 5747.02 of the Revised Code, the tax commissioner shall charge the tax imposed on the school district income of an individual ~~or estate~~ by a school district under Chapter 5748. of the Revised Code by multiplying the rate certified to be charged under such chapter by the taxpayer's school district income with respect to that district.

Sec. 5747.05. As used in this section, "income tax" includes both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the aggregate income tax liability imposed by section 5747.02 of the Revised Code on individuals and estates:

(A)(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and taxable business income of any nonresident taxpayer that is not allocable or apportionable to this state pursuant to sections 5747.20 to 5747.23 of the

Revised Code. The credit provided under this division shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The tax commissioner may enter into an agreement with the taxing authorities of any state or of the District of Columbia that imposes an income tax to provide that compensation paid in this state to a nonresident taxpayer shall not be subject to the tax levied in section 5747.02 of the Revised Code so long as compensation paid in such other state or in the District of Columbia to a resident taxpayer shall likewise not be subject to the income tax of such other state or of the District of Columbia.

(B) The lesser of division (B)(1) or (2) of this section:

(1) The aggregate amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and taxable business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(1) of this section shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The amount of income tax liability to another state or the District of Columbia on the portion of the combined adjusted gross income and taxable business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(2) of this section shall not exceed the total amount of tax otherwise due under section 5747.02 of the Revised Code.

(3) For the purpose of divisions (B)(1) and (2) of this section, a resident taxpayer's combined adjusted gross income

and taxable business income that is subject to an income tax levied in another state or in the District of Columbia includes income that is subject to either (a) a tax similar to the tax imposed by division (D)(1)(a) of section 5747.08 of the Revised Code or (b) a tax enacted for purposes of complying with internal revenue service notice 2020-75. In computing a resident taxpayer's income tax paid or accrued to another state or the District of Columbia, the deduction authorized by division (A)(28) of section 5747.01 of the Revised Code shall first be deducted against business income apportioned to this state.

(4) If the credit provided under division (B) of this section is affected by a change in either the portion of the combined adjusted gross income and taxable business income of a resident taxpayer subjected to an income tax in another state or the District of Columbia or the amount of income tax liability that has been paid to another state or the District of Columbia, the taxpayer shall report the change to the tax commissioner within ninety days of the change in such form as the commissioner requires.

(a) In the case of an underpayment, the report shall be accompanied by payment of any additional tax due as a result of the reduction in credit together with interest on the additional tax and is a return subject to assessment under section 5747.13 of the Revised Code solely for the purpose of assessing any additional tax due under this division, together with any applicable penalty and interest. It shall not reopen the computation of the taxpayer's tax liability under this chapter from a previously filed return no longer subject to assessment except to the extent that such liability is affected by an adjustment to the credit allowed by division (B) of this section.

(b) In the case of an overpayment, an application for refund may be filed under this division within the ninety-day period prescribed for filing the report even if it is beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall only claim refund of overpayments resulting from an adjustment to the credit allowed by division (B) of this section unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen the computation of the taxpayer's tax liability except to the extent that such liability is affected by an adjustment to the credit allowed by division (B) of this section.

(5) No credit shall be allowed under division (B) of this section:

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax;

Division (B)(5)(a) of this section does not apply to income taxes included in the computation of Ohio adjusted gross income under division (A)(41) of section 5747.01 of the Revised Code and not deducted from Ohio adjusted gross income under division (A)(28) of that section or to income taxes included in Ohio taxable income under division (S)(16) of section 5747.01 of the Revised Code.

(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division

(A)(3) of this section; or

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid.

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code:

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	$25,000 or less	20%
D	More than $25,000 but not more than $50,000	15%
E	More than $50,000 but not more than $75,000	10%
F	More than $75,000	5%

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules.

Sec. 5747.051. (A) As used in this section:

(1) "Eligible taxpayer" means an individual who is a resident of this state and whose modified adjusted gross income, as shown on an individual or joint return, is greater than two thousand five hundred dollars but less than one of the following:

(a) For spouses filing a joint return, ninety-four thousand dollars;

(b) For a spouse filing a separate return, fifty-six thousand five hundred dollars;

(c) For all other taxpayers, sixty-nine thousand dollars.

(2) "Phase-out threshold" means seventy-five thousand dollars for spouses filing a joint return, thirty-seven thousand five hundred dollars for a spouse filing a separate return, and fifty thousand dollars for all other taxpayers.

(3) "Qualifying dependent" means a dependent who is under the age of seven on the last day of the taxable year.

(B) A refundable credit is allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for an eligible taxpayer with one or more qualifying dependents. Only one such credit per return shall be allowed for each qualifying dependent. The amount of the credit for each qualifying dependent equals one of the following:

(1) If the modified adjusted gross income of the eligible taxpayer and, if filing a joint return, the taxpayer's spouse does not exceed the applicable phase-out threshold, the lesser of one thousand dollars or five per cent of the difference between that modified adjusted gross income and two thousand five hundred dollars;

(2) If the modified adjusted gross income of the eligible taxpayer and, if filing a joint return, the taxpayer's spouse exceeds the applicable phase-out threshold, one thousand dollars minus five per cent of the difference between that modified adjusted gross income, rounded up to the nearest one thousand dollars, and the phase-out threshold.

(C) The taxpayer who claims the qualifying dependent as a dependent for the taxable year shall claim the credit authorized

under this section on the basis of that dependent.

(D) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the amount of the credit exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deduction of all other credits in that order, the taxpayer is entitled to a refund of the excess.

Sec. 5747.062. As used in this section~~, "transferee"~~ :

"Transferee" has the same meaning as in section 3770.10 of the Revised Code~~, and "recipient"~~ .

"Recipient" includes a transferee.

"Lottery prize award" does not include a prize award from a video lottery terminal and does not include winnings from lottery sports gaming, except that "lottery prize award" includes winnings from lottery sports gaming wagers placed through a terminal described in division (B)(3) of section 3770.24 of the Revised Code.

(A)(1) Before making any other deduction required by Chapter 3770. of the Revised Code, the state lottery commission shall deduct and withhold an amount equal to ~~four~~ three and one-half per cent of the payment from each lottery prize award payment that is of an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended.

(2) On or before the tenth day of each month, the state lottery commission, and each transferee required to deduct and withhold amounts pursuant to section 3770.072 of the Revised Code, shall file a return and remit to the tax commissioner all amounts deducted and withheld pursuant to this section during

the preceding month.

(3) On or before the thirty-first day of January of each year, the state lottery commission, and each transferee required to deduct and withhold amounts pursuant to section 3770.072 of the Revised Code, shall file with the commissioner an annual return, in the form prescribed by the tax commissioner, indicating the total amount deducted and withheld pursuant to this section or section 3770.072 of the Revised Code during the preceding calendar year. At the time of filing that return, the state lottery commission or transferee shall remit any amount deducted and withheld during the preceding calendar year that was not previously remitted.

(4) The state lottery commission, and each transferee required to deduct and withhold amounts pursuant to section 3770.072 of the Revised Code, shall issue to each person with respect to whom tax has been deducted and withheld by the commission or transferee pursuant to this section or section 3770.072 of the Revised Code during the preceding calendar year, an information return in the form prescribed by the commissioner.

(B)(1) Division (B)(1) of this section does not apply to persons classified for federal income tax purposes as associations taxable as corporations.

Amounts withheld pursuant to this section or section 3770.072 of the Revised Code shall be allowed as a credit against payment of the tax imposed pursuant to section 5747.02 of the Revised Code upon the lottery prize award recipient, upon a beneficiary of such a recipient, or upon any investor in such a recipient if the recipient is a pass-through entity or disregarded entity, and shall be treated as taxes paid by the

recipient, beneficiary, or investor for purposes of section 5747.09 of the Revised Code. The credit is available to the recipient, beneficiary, or investor even if the commission or transferee does not remit to the tax commissioner the amount withheld.

(2) Division (B)(2) of this section applies only to persons classified for federal income tax purposes as associations taxable as corporations.

Amounts withheld pursuant to this section or section 3770.072 of the Revised Code shall be treated as a credit against the tax imposed pursuant to section 5733.06 of the Revised Code for the tax year immediately following the date on which those amounts are deducted and withheld, upon the lottery prize award recipient, upon a beneficiary of such a recipient, or upon an investor in such a recipient if the recipient is a pass-through entity or disregarded entity, and shall be treated as paid by the recipient, beneficiary, or investor on the date on which those amounts are deducted and withheld. The credit is a refundable credit and shall be claimed in the order required under section 5733.98 of the Revised Code. The credit is available to the recipient, beneficiary, or investor even if the commission or transferee does not remit to the tax commissioner the amount withheld.

(3) Nothing in division (B)(1) or (2) of this section shall be construed to allow more than one person to claim the credit for any portion of each amount deducted and withheld.

(C) Failure of the commission or any transferee to deduct and withhold the required amounts from lottery prize awards or to remit amounts withheld as required by this section and section 3770.072 of the Revised Code shall not relieve a

taxpayer described in division (B) of this section from liability for the tax imposed by section 5733.06 or 5747.02 of the Revised Code.

Sec. 5747.063. The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code. As used in this section, "sports gaming proprietor" and "sports gaming facility" have the same meanings as in section 3775.01 of the Revised Code.

(A)(1) ~~If~~ Subject to division (F) of this section, if a person's winnings from casino gaming or from sports gaming are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a casino operator or sports gaming proprietor shall deduct and withhold Ohio income tax from the person's winnings at a rate of ~~four~~ three and one-half per cent of the amount won. A person's amount of winnings from casino gaming shall be determined each time the person exchanges amounts won in tokens, chips, casino credit, or other prepaid representations of value for cash or a cash equivalent. The casino operator or sports gaming proprietor shall issue, to a person from whose winnings an amount has been deducted and withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the casino operator or sports gaming proprietor to prepare the returns required by this section.

(2) If a person's winnings from casino gaming or sports gaming require reporting to the internal revenue service under division (A)(1) of this section, the casino operator or sports gaming proprietor also shall require the person to state in

writing, under penalty of falsification, whether the person is in default under a support order.

(B) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the casino operator or sports gaming proprietor shall file a return electronically with the tax commissioner identifying the persons from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax commissioner. With the return, the casino operator or sports gaming proprietor shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month.

(2)(a) A casino operator or sports gaming proprietor shall maintain a record of each written statement provided under division (A)(2) of this section in which a person admits to being in default under a support order. The casino operator or sports gaming proprietor shall make these records available to the director of job and family services upon request.

(b) A casino operator or sports gaming proprietor shall maintain copies of receipts issued under division (A)(1) of this section and of written statements provided under division (A)(2) of this section and shall make these copies available to the tax commissioner upon request.

(c) A casino operator or sports gaming proprietor shall

maintain the information described in divisions (B)(2)(a) and (b) of this section in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(3) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The casino operator or sports gaming proprietor shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return.

(4)(a) A casino operator or sports gaming proprietor who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. The commissioner may impose a penalty up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a casino operator or sports gaming proprietor sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted

and withheld and any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld and penalties and interest thereon until the predecessor casino operator or sports gaming proprietor produces either a receipt from the commissioner showing that the amounts deducted and withheld and penalties and interest thereon have been paid or a certificate from the commissioner indicating that no amounts deducted and withheld or penalties and interest thereon are due. If the successor fails to withhold purchase money, the successor is personally liable for payment of the amounts deducted and withheld and penalties and interest thereon, up to the amount of the purchase money.

(C)(1) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount deducted from the person's winnings by the casino operator or sports gaming proprietor during the preceding calendar year.

(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall provide to the commissioner a copy of each information return issued under division (C)(1) of this section for the preceding calendar year. The commissioner may require that the copies be transmitted electronically.

(D) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes

of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(E) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to those winnings. And compliance with this section does not relieve a casino operator or sports gaming proprietor or a person who has winnings from casino gaming or sports gaming from compliance with relevant provisions of federal tax laws.

(F) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B)(3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 5747.062 of the Revised Code.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section. The director of job and family services shall prescribe the form of the statement required by this section.

~~(G)~~ (H) The commissioner may adopt rules that are necessary to administer this section.

Sec. 5747.064. The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code.

(A) As used in this section~~:~~

~~(1) "Video lottery terminal"~~ , "video lottery sales agent" has the same meaning as in section ~~3770.21~~ 3770.10 of the Revised Code.

~~(2) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.~~

(B) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold Ohio income tax from the person's prize award at a rate of ~~four~~ three and one-half per cent of the amount won. The video lottery sales agent shall issue, to a person from whose prize award an amount has been deducted or withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the video lottery sales agent to prepare the returns required by this section.

(C) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax commissioner identifying the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding month, the amount of the prize award from which each such amount was withheld, and any other information required by the commissioner. With the return, the video lottery sales agent shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month.

(2) A video lottery sales agent shall maintain a record of all receipts issued under division (B) of this section and shall make those records available to the commissioner upon request.

Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(3) Annually, on or before the thirty-first day of January, a video lottery sales agent shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return.

(4)(a) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. The commissioner may impose a penalty of up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a video lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld and any penalties and interest thereon are immediately due and payable. A successor of the video lottery sales agent that purchases the

video lottery terminals from the agent shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld and penalties and interest thereon until the predecessor video lottery sales agent produces either a receipt from the tax commissioner showing that the amounts deducted and withheld and penalties and interest thereon have been paid or a certificate from the commissioner indicating that no amounts deducted and withheld or penalties and interest thereon are due. If the successor fails to withhold purchase money, the successor is personally liable for payment of the amounts deducted and withheld and penalties and interest thereon, up to the amount of the purchase money.

~~(D)(1)~~(D) Annually, on or before the thirty-first day of January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount deducted from the person's prize award by the video lottery sales agent during the preceding year.

~~(2) Annually, on or before the thirty-first day of January, a lottery sales agent shall provide to the tax commissioner a copy of each information return issued under division (D)(1) of this section for the preceding calendar year. The commissioner may require that such copies be transmitted electronically.~~

(E) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(F) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to that income. Compliance with this section does not relieve a video lottery sales agent or a person who has a prize award from compliance with relevant provisions of federal tax laws.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section and may promulgate any rules necessary to administer the section.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding period cannot extend from one calendar year into the next calendar year; if the first day of January falls on a day other than Saturday or Wednesday, the partial weekly withholding period ends on the thirty-first day of December and there are three partial weekly withholding periods during that week.

(2) "Undeposited taxes" means the taxes an employer is required to deduct and withhold from an employee's compensation pursuant to section 5747.06 of the Revised Code that have not been remitted to the tax commissioner pursuant to this section or section 5747.072 of the Revised Code.

(3) A "week" begins on Saturday and concludes at the end

of the following Friday.

(4) ~~"Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code.~~

~~(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code.~~

~~(6)~~ "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate employer organization.

(B) Except as provided in divisions (C) and (D) of this section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows:

(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section

were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and withhold any amount under this chapter. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The employer shall file the return prescribed by the tax commissioner with the payment.

(4) Except as required by divisions (B)(1), (2), and (3) of this section, an employer shall make the payment of undeposited taxes for each calendar quarter during which they were required to be withheld no later than the last day of the month following the last day of March, June, September, and December each year. The employer shall file the return prescribed by the tax commissioner with the payment.

(C) The return and payment schedules prescribed by divisions (B)(1) and (2) of this section do not apply to the return and payment of undeposited school district income taxes arising from taxes levied pursuant to Chapter 5748. of the Revised Code. Undeposited school district income taxes shall be

returned and paid pursuant to divisions (B)(3) and (4) of this section, as applicable.

(D)(1) The requirements of division (B) of this section are met if the amount paid is not less than ninety-five per cent of the actual tax withheld or required to be withheld for the prior quarterly, monthly, or partial weekly withholding period, and the underpayment is not due to willful neglect. Any underpayment of withheld tax shall be paid within thirty days of the date on which the withheld tax was due without regard to division (D)(1) of this section. An employer described in division (B)(1) or (2) of this section shall make the payment electronically under section 5747.072 of the Revised Code.

(2) If the tax commissioner believes that quarterly or monthly payments would result in a delay that might jeopardize the remittance of withholding payments, the commissioner may order that the payments be made weekly, or more frequently if necessary, and the payments shall be made no later than three banking days following the close of the period for which the jeopardy order is made. An order requiring weekly or more frequent payments shall be delivered to the employer in the manner provided in section 5703.37 of the Revised Code and remains in effect until the commissioner notifies the employer to the contrary.

(3) If compelling circumstances exist concerning the remittance of undeposited taxes, the commissioner may order the employer to make payments under any of the payment schedules under division (B) of this section. The order shall be delivered to the employer in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the employer to the contrary. For purposes of division

(D)(3) of this section, "compelling circumstances" exist if either or both of the following are true:

(a) Based upon annualization of payments made or required to be made during the preceding calendar year and during the current calendar year, the employer would be required for the next calendar year to make payments under division (B)(2) of this section.

(b) Based upon annualization of payments made or required to be made during the current calendar year, the employer would be required for the next calendar year to make payments under division (B)(2) of this section.

(E)(1) In addition to other returns required to be filed and payments required to be made under this section, every employer required to deduct and withhold taxes shall file, not later than the thirty-first day of January of each year, an annual return covering, but not limited to, both the aggregate amount deducted and withheld and the aggregate amount required to be deducted and withheld during the entire preceding year for the tax imposed under section 5747.02 of the Revised Code and for each tax imposed under Chapter 5748. of the Revised Code. At the time of filing that return, the employer shall pay over any amounts of undeposited taxes for the preceding year, whether actually deducted and withheld or required to be deducted and withheld, that have not been previously paid. The employer shall make the annual report, to each employee and to the tax commissioner, of the compensation paid and each tax withheld, as the commissioner by rule may prescribe.

(2) Each employer required to deduct and withhold any tax is liable for the payment of that amount required to be deducted and withheld, whether or not the tax has in fact been withheld,

unless the failure to withhold was based upon the employer's good faith in reliance upon the statement of the employee as to liability, and the amount shall be deemed to be a special fund in trust for the general revenue fund.

(F) Each employer shall file with the employer's annual return the following items of information on employees for whom withholding is required under section 5747.06 of the Revised Code:

(1) The full name of each employee, the employee's address, the employee's school district of residence, and in the case of a nonresident employee, the employee's principal county of employment;

(2) The social security number of each employee;

(3) The total amount of compensation paid before any deductions to each employee for the period for which the annual return is made;

(4) The amount of the tax imposed by section 5747.02 of the Revised Code and the amount of each tax imposed under Chapter 5748. of the Revised Code withheld from the compensation of the employee for the period for which the annual return is made. The commissioner may extend upon good cause the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions of time. If the extension results in an extension of time for the payment of the amounts withheld with respect to which the return is filed, the employer shall pay, at the time the amount withheld is paid, an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount withheld, from the day that amount was originally required to be paid to

the day of actual payment or to the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

(5) In addition to all other interest charges and penalties imposed, all amounts of taxes withheld or required to be withheld and remaining unpaid after the day the amounts are required to be paid shall bear interest from the date prescribed for payment at the rate per annum prescribed by section 5703.47 of the Revised Code on the amount unpaid, in addition to the amount withheld, until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

(G) An employee of a corporation, limited liability company, or business trust having control or supervision of or charged with the responsibility of filing the report and making payment, or an officer, member, manager, or trustee of a corporation, limited liability company, or business trust who is responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, shall be personally liable for failure to file the report or pay the tax due as required by this section. The dissolution, termination, or bankruptcy of a corporation, limited liability company, or business trust does not discharge a responsible officer's, member's, manager's, employee's, or trustee's liability for a failure of the corporation, limited liability company, or business trust to file returns or pay tax due.

(H) If an employer required to deduct and withhold income tax from compensation and to pay that tax to the state under sections 5747.06 and 5747.07 of the Revised Code sells the

employer's business or stock of merchandise or quits the employer's business, the taxes required to be deducted and withheld and paid to the state pursuant to those sections prior to that time, together with any interest and penalties imposed on those taxes, become due and payable immediately, and that person shall make a final return within fifteen days after the date of selling or quitting business. The employer's successor shall withhold a sufficient amount of the purchase money to cover the amount of the taxes, interest, and penalties due and unpaid, until the former owner produces a receipt from the tax commissioner showing that the taxes, interest, and penalties have been paid or a certificate indicating that no such taxes are due. If the purchaser of the business or stock of merchandise fails to withhold purchase money, the purchaser shall be personally liable for the payment of the taxes, interest, and penalties accrued and unpaid during the operation of the business by the former owner. If the amount of taxes, interest, and penalties outstanding at the time of the purchase exceeds the total purchase money, the tax commissioner in the commissioner's discretion may adjust the liability of the seller or the responsibility of the purchaser to pay that liability to maximize the collection of withholding tax revenue.

(I) An employer whose actual or required payments under this section exceeded eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make all payments required by this section for the year electronically under section 5747.072 of the Revised Code.

(J)(1) Every professional employer organization, professional employer organization reporting entity, and alternate employer organization shall file a report with the tax

commissioner within thirty days after commencing business in this state that includes all of the following information:

(a) The name, address, number the employer receives from the secretary of state to do business in this state, if applicable, and federal employer identification number of each client employer of the organization or entity;

(b) The date that each client employer became a client of the organization or entity;

(c) The names and mailing addresses of the chief executive officer and the chief financial officer of each client employer for taxation of the client employer.

(2) Beginning with the calendar quarter ending after a professional employer organization, professional employer organization reporting entity, or alternate employer organization files the report required under division (J)(1) of this section, and every calendar quarter thereafter, the organization or entity shall file an updated report with the tax commissioner. The organization or entity shall file the updated report not later than the last day of the month following the end of the calendar quarter and shall include all of the following information in the report:

(a) If an entity became a client employer of the professional employer organization, professional employer organization reporting entity, or alternate employer organization at any time during the calendar quarter, all of the information required under division (J)(1) of this section for each new client employer;

(b) If an entity terminated the professional employer organization agreement or the alternate employer organization

agreement between the entity and the professional employer organization, professional employer organization reporting entity, or alternate employer organization, as applicable, at any time during the calendar quarter, the information described in division (J)(1)(a) of this section for that entity, the date during the calendar quarter that the entity ceased being a client of the organization or reporting entity, if applicable, or the date the entity ceased business operations in this state, if applicable;

(c) If the name or mailing address of the chief executive officer or the chief financial officer of a client employer has changed since the professional employer organization, professional employer organization reporting entity, or alternate employer organization previously submitted a report under division (J)(1) or (2) of this section, the updated name or mailing address, or both, of the chief executive officer or the chief financial officer, as applicable;

(d) If none of the events described in divisions (J)(2)(a) to (c) of this section occurred during the calendar quarter, a statement of that fact.

Sec. 5747.071. (A) As used in this section:

(1) "Retirement system" means the public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, and any municipal retirement system.

(2) "Retirement plan" means a person, other than a retirement system, that manages a group or individual retirement account, fund, or plan.

(3) "Benefits" means all annuities, allowances, pensions, and other benefits paid by a retirement system or retirement plan.

~~(3)~~ (4) "Recipient" means any person receiving benefits from a retirement system or retirement plan.

(B) Any recipient may request the recipient's retirement system or retirement plan to deduct and withhold from the recipient's benefits an amount during the calendar year reasonably estimated to be equal to the tax due from the recipient under this chapter and Chapter 5748. of the Revised Code for the year with respect to the recipient's benefits from the retirement system or retirement plan that are included in the recipient's adjusted gross income. The request shall be made pursuant to an application filed with the retirement system or retirement plan, on a form the system or plan shall supply, and shall include ~~the~~ an estimate ~~of~~ from the recipient of the amount of state income taxes that will be due in the ensuing calendar year with respect to the benefits from the retirement system or retirement plan.

(C) A retirement system or retirement plan with which an application is filed under this section, commencing with the calendar year following the year in which the application is filed, shall withhold from the benefits of the recipient an amount that equals for the calendar year, the amount of taxes that the recipient estimated would be due for the year. The amount to be withheld for a calendar year shall be apportioned throughout the calendar year.

(D) A recipient may submit an amended application to increase or decrease the amount that will be withheld by the retirement system or retirement plan in an ensuing year.

(E) A retirement system or retirement plan that withholds a portion of the benefits of a recipient under this section shall file returns and pay the amounts withheld in accordance with the requirements of section 5747.07 of the Revised Code. The tax commissioner may collect from a retirement plan past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if those amounts were income taxes collected by an employer.

(F) Every retirement system or retirement plan required to deduct and withhold tax from benefits pursuant to this section shall furnish to the recipient, with respect to the benefits paid to the recipient during the calendar year, on or before the thirty-first day of January of the succeeding year, a written statement showing the amount of benefits deducted and withheld as state income tax, any amount deducted and withheld as school district income tax for each applicable school district, and such other information as the tax commissioner requires.

(G) A retirement system or the tax commissioner may adopt rules governing withholding under this section.

Sec. 5747.072. (A) Any employer required by section 5747.07 of the Revised Code to remit undeposited taxes electronically shall do so by using the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another means of electronic payment on or before the dates specified under that section. The tax commissioner shall notify each such employer of the employer's obligation to remit undeposited taxes electronically. Failure by the commissioner to notify an employer subject to this section to remit taxes electronically does not relieve the employer of its obligation to remit taxes in that manner.

The payment of taxes electronically does not affect an employer's obligation to file the annual return as required under divisions (E) and (F) of section 5747.07 of the Revised Code.

An employer required by this section to remit taxes electronically may apply to the commissioner to be excused from that requirement. The commissioner may excuse the employer from electronic remittance for good cause shown for the period of time requested by the employer or a portion of that period. The commissioner shall notify the employer of the commissioner's decision as soon as is practicable.

(B) If an employer required by this section to remit undeposited taxes electronically remits those taxes by some other means, and the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner prescribed by section 5747.13 of the Revised Code. The additional charge shall equal five per cent of the amount of the undeposited taxes, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed by this chapter, and shall be considered as revenue arising from the taxes imposed by this chapter. ~~The commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.~~

No additional charge shall be assessed under this division against an employer that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be assessed upon the remittance

of any subsequent tax payment that the employer remits by some means other than electronically.

Sec. 5747.073. (A) As used in this section:

(1) "Bulk filer" means a payroll service provider or similar entity that is registered with the tax commissioner to submit employer withholding tax returns in accordance with this section.

(2) "Payroll service provider" means a third party that assists an employer with payroll administration and state employer withholding tax obligations. A payroll service provider may include a professional employer organization or alternate employer organization.

(3) "Client company" means an employer on whose behalf a bulk filer agrees to submit employer withholding returns in accordance with this section.

(B)(1) An employer may elect to use a bulk filer to comply with its state and school district income tax withholding obligations under this chapter.

(2)(a) Within five days after becoming a client company, the employer shall notify the tax commissioner, in a format prescribed by the commissioner, of the name of the approved bulk filer it is electing to use and the taxes the bulk filer will be remitting on its behalf.

(b) When using a bulk filer, the client company shall maintain all registrations required by the tax commissioner related to electronic filing and payment of the amounts described in divisions (A) and (E) of section 5747.06 of the Revised Code.

(C)(1) The tax commissioner shall approve each bulk filer before the bulk filer can file withholding tax returns on behalf of client companies. The commissioner shall prescribe guidelines and conditions of participation in the bulk file program that include standards of conduct, software tests, and file formats.

(2) The commissioner shall maintain a list of approved bulk filers on the department of taxation's official web site. Such information is not prohibited from disclosure under section 5703.21 of the Revised Code.

(3) Each bulk filer shall comply with all requirements of law pertaining to employers maintaining an office or transacting business in this state and paying compensation to an employee who is a taxpayer.

(4) A bulk filer that is not a professional employer organization, professional employer organization reporting entity, or alternate employer organization shall file a report in the same manner and frequency as required of a professional employer organization, professional employer organization reporting entity, or alternate employer organization under division (J) of section 5747.07 of the Revised Code. For purposes of this division, "client company" shall be substituted for "client employer" wherever "client employer" appears in that division.

(D) All returns, reports, and payments filed or remitted by a bulk filer shall be made through an electronic means as prescribed by the tax commissioner, regardless of the bulk filer's number of client companies, or the number of returns, reports, or payments being filed or remitted. The bulk filer shall register for and maintain all accounts needed to electronically make such filings and payments.

(E)(1) A bulk filer's authorization under this section is valid until either of the following events occurs:

(a) The bulk filer dissolves, loses its existence as the result of a merger, or otherwise ceases business;

(b) The authorization is rescinded or suspended by the tax commissioner for failure to meet the guidelines and conditions of participation in the bulk file program, including any guidelines or conditions established or modified after the bulk filer receives its authorization.

(2) A bulk filer shall notify its client companies within five days after the bulk filer's authorization is rescinded, suspended, or is otherwise no longer valid or active. If an entity no longer meets the requirements to be a bulk filer, the client companies of the former bulk filer shall immediately resume their state and school district withholding filing and payment obligations under this chapter.

(F)(1) The tax commissioner may collect past due amounts from a bulk filer, including penalties and interest thereon, by assessment under section 5747.13 of the Revised Code as if the amounts were taxes collected by an employer.

(2) A bulk filer is subject to all applicable penalties under Title LVII of the Revised Code as if the bulk filer were the client company.

(3) Notwithstanding the commissioner's authority under division (F)(1) of this section, a client company remains subject to assessment if its bulk filer fails to timely file all returns or reports, or to timely remit any payment, on the client company's behalf. The use of a bulk filer does not abrogate the ability of the commissioner to hold employees,

officers, members, managers, or trustees of the client company personally liable under division (G) of section 5747.07 of the Revised Code.

(4) Any liability assessed against both a bulk filer and a client company shall be joint and several.

(5) A client company is not responsible for filings or amounts that a bulk filer fails to make or remit on behalf of another client company.

(6) A bulk filer is subject to division (H) of section 5747.07 of the Revised Code as if it were an employer subject to that section.

(G) A bulk filer may file a refund application pursuant to section 5747.11 of the Revised Code on behalf of one or more of its client companies.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Except as provided by division (L) of this section, nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(m) The earned income tax credit under section 5747.71 of the Revised Code;

(n) The lead abatement credit under section 5747.26 of the Revised Code;

(o) The credit for education expenses under section 5747.72 of the Revised Code;

(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

(q) The credit for qualifying dependents under section 5747.051 of the Revised Code;

(r) The credit for rehabilitating a historic owner-occupied residential property under section 5747.761 of the Revised Code.

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through

entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's

social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the commissioner considers it necessary in order to

ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code shall be allowed to the ultimate recipient of the income as credits against payment of the appropriate taxes imposed on the ultimate recipient by section 5747.02 and under Chapter 5748. of the Revised Code. As used in this division, "ultimate recipient" means the person who is required to report income from which amounts are withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on the annual return required to be filed under this section.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit

provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) If, for the taxable year, a nonresident or trust that is the owner of an electing pass-through entity, as defined in section 5747.38 of the Revised Code, does not have Ohio adjusted gross income or, in the case of a trust, modified Ohio taxable income other than from one or more electing pass-through entities, the nonresident or trust shall not be required to file an annual return under this section. Nothing in this division precludes such an owner from filing the annual return under this section, utilizing the refundable credit under section 5747.39 of the Revised Code equal to the owner's proportionate share of the tax levied under section 5747.38 of the Revised Code and paid by the electing pass-through entity, and making the payment of taxes imposed under section 5747.02 of the Revised Code.

(M) The tax commissioner may adopt rules to administer this section.

Sec. 5747.082. (A) As used in this section:

(1) "Electronic technology" means electronic technology acceptable to the tax commissioner under division (B) of this section.

(2) "Original tax return" means any report, return, or other tax document required to be filed under this chapter for the purpose of reporting the taxes due under, and withholdings required by, this chapter. "Original tax return" does not include an amended return or any declaration or form required by or filed in connection with section 5747.09 of the Revised Code.

(3) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(4) "Tax return preparer" means any person that operates a business that prepares, or directly or indirectly employs

another person to prepare, for a taxpayer an original tax return in exchange for compensation or remuneration from the taxpayer or the taxpayer's related member. With respect to the preparation of a return or application for refund under this chapter, "tax return preparer" does not include an individual who performs only one or more of the following activities:

(a) Furnishes typing, reproducing, or other mechanical assistance;

(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer;

(c) Prepares as a fiduciary an application for refund or a return;

(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member.

(B) Divisions (C) and (D) of this section apply to the filing of original tax returns that are due in a calendar year only if the tax commissioner, by the last day of the calendar year immediately preceding the calendar year in which such returns are due, has published on the department of taxation's official internet web site at least one method of electronic technology acceptable to the commissioner for filing such returns.

(C) A tax return preparer that prepares more than eleven original tax returns during any calendar year shall use

electronic technology to file with the tax commissioner all original tax returns prepared by the tax return preparer. This division does not apply to a tax return preparer in any calendar year if, during the previous calendar year, the tax return preparer prepared not more than ten original tax returns.

(D) If a tax return preparer required by this section to submit original tax returns by electronic technology files an original tax return by some means other than by electronic technology, the tax commissioner shall impose a penalty of fifty dollars for each return in excess of eleven in any calendar year that is not filed by electronic technology. ~~Upon good cause shown by the tax return preparer, the tax commissioner may waive all or any portion of the penalty or may refund all or any portion of the penalty the tax return preparer has paid.~~

Sec. 5747.09. (A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer estimates to be the taxpayer's combined tax liability under this chapter and Chapter 5748. of the Revised Code for the current taxable year.

(2) "Tax liability" means the total taxes due for the taxable year, after allowing any credit to which the taxpayer is entitled, but prior to applying any estimated tax payment, withholding payment, or refund from another tax year.

(3) "Taxes paid" include payments of estimated taxes made under division (C) of this section, taxes withheld from the taxpayer's compensation, and tax refunds applied by the taxpayer in payment of estimated taxes.

(4) "Required installment" means a payment equal to twenty-five per cent of the lesser of the following:

(a) Ninety per cent of the tax liability for the taxable year;

(b) One hundred per cent of the tax liability shown on the return of a taxpayer for the preceding taxable year.

Division (A)(4)(b) of this section applies only if the taxpayer filed a return under section 5747.08 of the Revised Code for the preceding taxable year and if the preceding taxable year was a twelve-month taxable year.

(B) Every taxpayer shall make declaration of estimated taxes for the current taxable year, in the form that the tax commissioner shall prescribe, if the amount payable as estimated taxes, less the amount to be withheld from the taxpayer's compensation, is more than five hundred dollars. For purposes of this section, taxes withheld from compensation shall be considered as paid in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld. Taxpayers filing joint returns pursuant to section 5747.08 of the Revised Code shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the commissioner. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner. The declaration of estimated taxes for an individual under a disability shall be made and filed by the person who is required to file the income tax return.

The declaration of estimated taxes shall be filed on or before the fifteenth day of April of each year or on or before the fifteenth day of the fourth month after the taxpayer becomes

subject to tax for the first time.

Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth day of the fourth month after the beginning of each fiscal year or period.

The declaration shall be filed upon a form prescribed by the commissioner and furnished by or obtainable from the commissioner.

The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the treasurer of state, including the application of tax refunds to estimated taxes, and withholding on or before the applicable payment date shall be as follows:

(1) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the tax liability for the taxable year;

(2) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the tax liability for the taxable year;

(3) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the tax liability for the taxable year;

(4) On or before the fifteenth day of the first month of the following taxable year, ninety per cent of the tax liability for the taxable year.

When an amended return has been filed, the unpaid balance

shown due on the amended return shall be paid in equal installments on or before the remaining payment dates.

On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with section 5747.08 of the Revised Code.

(D) In the case of any underpayment of estimated taxes, an interest penalty shall be added to the taxes for the tax year at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(1) For the first payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(2) For the second payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(3) For the third payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(4) For the fourth payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment.

The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of

estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the interest penalty imposed under division (D) of this section. Any such penalty imposed shall be in lieu of any other interest charge or penalty imposed for failure to file an estimated return and make estimated payments as required by this section.

(E) An underpayment of estimated taxes determined under division (D) of this section shall be due to reasonable cause and the interest penalty imposed by this section shall not be added to the taxes for the tax year if either of the following apply:

(1) The amount of tax that was paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due;

(2) The amount of tax that was paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return under section 5747.08 of the Revised Code for that year.

The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

Sec. 5747.10. (A) As used in this section:

(1) "Audited partnership" means a partnership subject to an examination by the internal revenue service pursuant to subchapter C, chapter 63, subtitle F of the Internal Revenue Code resulting in a federal adjustment.

(2)(a) "Direct investor" means a partner or other investor that holds a direct interest in a pass-through entity.

(b) "Indirect investor" means a partner or other investor that holds an interest in a pass-through entity that itself holds an interest, directly or through another indirect partner or other investor, in a pass-through entity.

(3) "Exempt partner" means a partner that is neither a pass-through entity nor a person subject to the tax imposed by section 5747.02 of the Revised Code.

(4) "Federal adjustment" means a change to an item or amount required to be determined under the Internal Revenue Code that directly or indirectly affects a taxpayer's aggregate tax liability under section 5747.02 or Chapter 5748. of the Revised Code and that results from an action or examination by the internal revenue service, or from the filing of an amended federal tax return, a claim for a federal tax refund, or an administrative adjustment request filed by a partnership under section 6227 of the Internal Revenue Code.

(5) "Federal adjustments return" means the form or other document prescribed by the tax commissioner for use by a taxpayer in reporting final federal adjustments.

(6) "State partnership representative" means either of the following:

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division.

(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following:

(a) The day after which the period for appeal of a federal assessment has expired;

(b) The date on a refund check issued by the internal revenue service; or

(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement.

(B)(1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than ninety days after the federal adjustment has been

agreed to or finally determined for federal income tax purposes.

(2) "One hundred eighty" shall be substituted for "ninety" in divisions (B)(1) and (E)(1) of this section if, for any taxable year, the final federal adjustment results from taxes paid by the taxpayer on an amount described in division (A)(32) of section 5747.01 of the Revised Code.

(C) Except for adjustments required to be reported for federal purposes pursuant to section 6225(a)(2) of the Internal Revenue Code and adjustments that are taken into account on a federal amended return or similar report filed pursuant to section 6225(c)(2) of the Internal Revenue Code, partnerships and partners shall report final federal adjustments and make payments as required under division (C) of this section.

(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment is final:

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section;

(ii) Notify each of its direct investors, on a form

prescribed by the commissioner, of the investor's distributive share of the final federal adjustments;

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing.

(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner.

(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section.

(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury regulations.

(3) If an audited partnership makes the election under

this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final:

(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section;

(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:

(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;

(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer.

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C)(3)(b) of this section.

(4)(a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C)(3) of this section.

(b)(i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and

reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C)(3)(b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C)(4)(b)(i) of this section, an exempt partner, whether a direct or indirect investor, may file an application for refund of its proportionate share of the amounts erroneously paid by the audited partnership pursuant to division (C)(3)(b) of this section on the exempt partner's behalf.

(5) Upon request by an audited partnership, the tax commissioner may agree, in writing, to allow an alternative method of reporting and payment than required by division (C)(2) or (3) of this section. The request must be submitted to the commissioner in writing before the applicable deadline for filing a return under division (C)(2)(a) or (3) of this section. The commissioner's decision on whether to enter into an agreement under this division is not subject to further administrative review or appeal.

(6) Nothing in division (C) of this section precludes either of the following:

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division ~~(D)(2)~~ (B)(2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under

this chapter against any direct or indirect investor for taxes due from the investor if an audited partnership, or direct and indirect investor of an audited partnership that is a pass-through entity, fails to timely file any return or remit any payment required by this section or underreports income or underpays tax on behalf of an indirect investor who is a resident taxpayer.

(D) In the case of an underpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) The taxpayer's amended return shall be accompanied by payment of any combined additional tax due together with interest thereon. An amended return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return.

(2) The audited partnership's federal adjustments return shall be accompanied by payment of any combined additional tax due together with interest thereon. The federal adjustments return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final

federal adjustment.

(3) The tax commissioner may accept estimated payments of the tax arising from pending federal adjustments before the date for filing a federal adjustments return. The commissioner may adopt rules for the payment of such estimated taxes.

(E) In the case of an overpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) A taxpayer may file an application for refund under this division within the ninety-day period prescribed for filing the amended return even if it is filed beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.

(2)(a) Except as otherwise provided in division (E)(2)(b) of this section, an audited partnership may file an application for a refund under this division within the ninety-day period prescribed for filing the federal adjustments return, even if it is filed beyond the period prescribed by section 5747.11 of the Revised Code, if it otherwise conforms to the requirements of that section. An application filed under this division may claim a refund of overpayments resulting only from final federal

adjustments unless it is also filed within the time prescribed by section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the federal adjustment.

(b) An audited partnership may not file an application for refund under division (E) of this section based on final federal adjustments described in section 6225(a)(2) of the Internal Revenue Code.

(3) Any refund granted to a pass-through entity filing an application for refund under division (E) of this section shall be reduced by amounts previously claimed as a credit under section 5747.059 or division (I) of section 5747.08 of the Revised Code by the pass-through entity's direct or indirect investors.

(F) Excluding the deadline in division (C)(2)(c)(ii) of this section, an audited partnership, or a direct or indirect investor of an audited partnership that is a pass-through entity, may automatically extend the deadline for reporting, payments, and refunds under this section by sixty days if the entity has ten thousand or more direct investors and notifies the commissioner of such extension, in writing, before the unextended deadline.

Sec. 5747.13. (A) If any employer collects the tax imposed by section 5747.02 or under Chapter 5748. of the Revised Code and fails to remit the tax as required by law, or fails to collect the tax, the employer is personally liable for any amount collected that the employer fails to remit, or any amount that the employer fails to collect. If any taxpayer fails to file a return or fails to pay the tax imposed by section 5747.02

or under Chapter 5748. of the Revised Code, the taxpayer is personally liable for the amount of the tax.

If any employer, taxpayer, qualifying entity, or electing pass-through entity required to file a return under this chapter fails to file the return within the time prescribed, files an incorrect return, fails to remit the full amount of the taxes due for the period covered by the return, or fails to remit any additional tax due as a result of a reduction in the amount of the credit allowed under division (B) of section 5747.05 of the Revised Code together with interest on the additional tax within the time prescribed by that division, the tax commissioner may make an assessment against any person liable for any deficiency for the period for which the return is or taxes are due, based upon any information in the commissioner's possession.

An assessment issued against either the employer or the taxpayer pursuant to this section shall not be considered an election of remedies or a bar to an assessment against the other for failure to report or pay the same tax. No assessment shall be issued against any person if the tax actually has been paid by another.

No assessment shall be made or issued against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity more than four years after the final date the return subject to assessment was required to be filed or the date the return was filed, whichever is later. However, the commissioner may assess any balance due as the result of a reduction in the credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income

subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(4) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, qualifying entity, or electing pass-through entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit in division (B) of section 5747.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against an employer for taxes withheld from employees and not remitted to the state, against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that fails to file a return subject to assessment as required by this chapter, or against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that files a fraudulent return.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with

remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, qualifying entity's, or electing pass-through entity's place of business is located or the county in which the party assessed resides. If the party assessed is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the party assessed in the amount shown on the entry. The judgment shall be filed by the clerk in one of two loose-leaf books, one entitled "special judgments for state and school district income taxes," and the other entitled "special judgments for qualifying entity and electing pass-through entity taxes." The judgment shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the assessment was issued, the portion of the

assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by this chapter or Chapter 5733. or 5748. of the Revised Code, as appropriate.

(E) If the party assessed files a petition for reassessment under division (B) of this section, the person, on or before the last day the petition may be filed, shall pay the assessed amount, including assessed interest and assessed penalties, if any of the following conditions exists:

(1) The person files a tax return reporting Ohio adjusted gross income, less the exemptions allowed by section 5747.025 of the Revised Code, in an amount less than one cent, and the reported amount is not based on the computations required under division (A) of section 5747.01 or section 5747.025 of the Revised Code.

(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or

frivolous.

(3) The person fails to file a tax return, and the basis for this failure is not either of the following:

(a) An assertion that the person has no nexus with this state;

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent.

(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code.

Sec. 5747.15. (A) In addition to any other penalty imposed by this chapter or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer, a qualifying entity, an electing pass-through entity, or an employer required to file any report or return, including an informational notice, report, or return, under this chapter fails to make and file the report or return within the time prescribed, including any extensions of time granted by the tax commissioner, a penalty may be imposed not exceeding the greater of fifty dollars per month or fraction of a month, not to exceed five hundred dollars, or five per cent per month or fraction of a month, not to exceed fifty per cent, of the sum of the taxes required to be shown on the report or return, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which filed.

(2) If a taxpayer fails to pay any amount of tax required to be paid under section 5733.41 or Chapters 5747. or 5748. of the Revised Code, except estimated tax under section 5747.09 or 5747.43 of the Revised Code, by the dates prescribed for payment, a penalty may be imposed not exceeding twice the applicable interest charged under division (G) of section 5747.08 of the Revised Code for the delinquent payment.

(3)(a) If an employer fails to pay any amount of tax imposed by section 5747.02 of the Revised Code and required to be paid under this chapter by the dates prescribed for payment, a penalty may be imposed not exceeding the sum of ten per cent of the delinquent payment plus twice the interest charged under division (F)(5) of section 5747.07 of the Revised Code for the delinquent payment.

(b) If a qualifying entity or an electing pass-through entity fails to pay any amount of tax imposed by section 5733.41, 5747.38, or 5747.41 of the Revised Code and required to

be paid under this chapter by the dates prescribed for payment, a penalty may be imposed not exceeding the sum of ten per cent of the delinquent payment plus twice the applicable interest charged under division (G) of section 5747.08 of the Revised Code for the delinquent payment.

(4)(a) If an employer withholds from employees the tax imposed by section 5747.02 of the Revised Code and fails to remit the tax withheld to the state as required by this chapter on or before the dates prescribed for payment, a penalty may be imposed not exceeding fifty per cent of the delinquent payment.

(b) If a qualifying entity withholds any amount of tax imposed under section 5747.41 of the Revised Code from an individual's qualifying amount and fails to remit that amount to the state as required by sections 5747.42 to 5747.453 of the Revised Code on or before the dates prescribed for payment, a penalty may be imposed not exceeding fifty per cent of the delinquent payment.

(5) If a taxpayer, a qualifying entity, an electing pass-through entity, or an employer files what purports to be a return required by this chapter that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of the tax levied by section 5733.41, 5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised Code, a penalty of up to five hundred dollars may be imposed.

(6) If a taxpayer, a qualifying entity, or an electing pass-through entity makes a fraudulent attempt to evade the

reporting or payment of the tax required to be shown on any return required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(7) If any person makes a false or fraudulent claim for a refund under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. The penalty imposed under division (A)(7) of this section, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 5747.13 of the Revised Code as tax, penalty, or interest imposed under section 5733.41, 5747.02, 5747.38, or 5747.41 of the Revised Code, without regard to whether the person making the claim is otherwise subject to the provisions of this chapter or Chapter 5733. of the Revised Code, and without regard to any time limitation for the assessment imposed by division (A) of section 5747.13 of the Revised Code.

(B) For purposes of this section, the taxes required to be shown on the return shall be reduced by the amount of any part of the taxes paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Any penalty imposed under this section shall be in addition to all other penalties imposed under this section. ~~All or part of any penalty imposed under this section may be abated by the commissioner. All or part of any penalty imposed under this section may be abated by the commissioner if the taxpayer, qualifying entity, electing pass-through entity, or employer shows that the failure to comply with the provisions of this chapter is due to reasonable cause and not willful neglect.~~

Sec. 5747.40. Any term used in sections 5747.40 to 5747.43

of the Revised Code has the same meaning as defined in section 5733.40 of the Revised Code.

The purpose of sections 5747.40 to 5747.43 of the Revised Code is to complement and to reinforce the tax levied under section 5747.02 of the Revised Code. Those sections do not apply to a pass-through entity if all of the investors of the pass-through entity are resident taxpayers for the purposes of this chapter for the entire qualifying taxable year of the pass-through entity, or to a trust if all of the beneficiaries of the trust are resident taxpayers for the purposes of this chapter for the entire qualifying taxable year of the trust, except that sections 5747.42 and 5747.43 of the Revised Code apply to all pass-through entities that elect to be subject to the tax levied under section 5747.38 of the Revised Code.

Sec. 5747.42. (A) In addition to the other returns required to be filed and other remittances required to be made pursuant to this chapter, every qualifying entity or electing pass-through entity that is subject to the tax imposed by section 5733.41, 5747.38, or 5747.41 of the Revised Code shall file an annual return as follows:

(1) For a qualifying entity, on or before the fifteenth day of the fourth month following the end of the entity's qualifying taxable year;

(2) For an electing pass-through entity, on or before the fifteenth day of April following the end of the entity's taxable year that ends in the preceding calendar year.

Each entity shall also remit to the tax commissioner, with the remittance made payable to the treasurer of state, the amount of the taxes shown to be due on the return, less the

amount paid for the taxable year on a declaration of estimated tax report filed by the taxpayer as provided by section 5747.43 of the Revised Code. Remittance shall be made in the form prescribed by the tax commissioner, including electronically if required by section 5747.44 of the Revised Code.

A domestic qualifying entity shall not dissolve, and a foreign qualifying entity shall not withdraw or retire from business in this state, without filing the tax returns and paying the taxes charged for the year in which such dissolution or withdrawal occurs.

(B) The tax commissioner shall furnish qualifying entities or electing pass-through entities, upon request, copies of the forms prescribed by the commissioner for the purpose of making the returns required by sections 5747.42 to 5747.453 of the Revised Code.

(C) The annual return required by this section shall be signed by the applicable entity's trustee or other fiduciary, or president, vice-president, secretary, treasurer, general manager, general partner, superintendent, or managing agent in this state. The annual return shall contain the facts, figures, computations, and attachments that result in the tax charged by section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each entity also shall file with its annual return all of the following:

(1) In the case of the tax charged by section 5733.41 or 5747.41 of the Revised Code, the full name and address of each qualifying investor or qualifying beneficiary unless the qualifying entity submits such information in accordance with division (D) of this section;

(2) In the case of the tax charged by section 5733.41 or 5747.41 of the Revised Code, the social security number, federal employer identification number, or other identifying number of each qualifying investor or qualifying beneficiary, unless the taxpayer submits that information in accordance with division (D) of this section;

(3) In the case of the tax charged by section 5747.38 of the Revised Code, the full name and address and the social security number, federal employer identification number, or other identifying number of each owner of the electing pass-through entity, unless the entity submits such information in accordance with division (D) of this section;

(4) The amount of tax imposed by sections 5733.41 and 5747.41 or by section 5747.38 of the Revised Code, and the amount of the tax paid by the entity, for the applicable taxable year covered by the annual return;

(5) The amount of tax imposed by sections 5733.41 and 5747.41 or by section 5747.38 of the Revised Code that is attributable to each qualifying investor, qualifying beneficiary, or owner, as applicable, unless the entity submits this information in accordance with division (D) of this section.

(D) On the date the annual return is due, including extensions of time, if any, the applicable entity may be required ~~by rule~~ to transmit electronically or by magnetic media the information set forth in division (C) of this section. The tax commissioner may adopt rules governing the format for the transmission of such information. The tax commissioner may exempt an entity or a class of entities from the requirements imposed by this division.

(E) Upon good cause shown, the tax commissioner may extend the period for filing any return required to be filed under this section or section 5747.43 or 5747.44 of the Revised Code and for transmitting any information required to be transmitted under those sections. The tax commissioner may adopt rules relating to extensions of time to file and to transmit. At the time an entity pays any tax imposed under section 5733.41, 5747.38, or 5747.41 of the Revised Code or estimated tax as required under section 5747.43 of the Revised Code, the entity also shall pay interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that tax or estimated tax, from the time the tax or estimated tax originally was required to be paid, without consideration of any filing extensions, to the time of actual payment. Nothing in this division shall be construed to abate, modify, or limit the imposition of any penalties imposed for the failure to timely pay taxes under this chapter or Chapter 5733. of the Revised Code without consideration of any filing extensions.

Sec. 5747.43. (A) As used in this section:

(1) "Estimated taxes" means the amount that a qualifying entity or electing pass-through entity estimates to be the sum of its liability under sections 5733.41 and 5747.41 or section 5747.38 of the Revised Code for its current qualifying taxable year or taxable year, as applicable.

(2) "Tax liability" means the total of the taxes and withholding taxes due under sections 5733.41 and 5747.41 of the Revised Code or the tax due under section 5747.38 of the Revised Code for the applicable taxable year prior to applying any estimated tax payment or refund from another year.

(3) "Taxes paid" includes payments of estimated taxes made

under division (C) of this section and tax refunds applied by the qualifying entity or electing pass-through entity in payment of estimated taxes.

(4) "Required installment" means a payment equal to twenty-five per cent of the lesser of the following:

(a) Ninety per cent of the tax liability for the qualifying taxable year;

(b) One hundred per cent of the tax liability shown on the return of a qualifying entity or an electing pass-through entity for the preceding taxable year.

Division (A)(4)(b) of this section applies only if the entity filed a return under section 5747.42 of the Revised Code for the preceding taxable year and if the preceding taxable year was a twelve-month taxable year.

(B) In addition to the return required to be filed pursuant to section 5747.42 of the Revised Code, each qualifying entity or electing pass-through entity that is subject to the tax imposed under section 5733.41 and to the withholding tax imposed by section 5747.41 of the Revised Code or that is subject to the tax imposed under section 5747.38 of the Revised Code shall file an estimated tax return and pay a portion of the entity's tax liability for its taxable year. The portion of those taxes required to be paid, and the last day prescribed for payment thereof, shall be as prescribed by divisions (B)(1), (2), (3), and (4) of this section:

(1) On or before the fifteenth day of the fourth month ~~following~~ after the ~~last day of the first quarter of~~ beginning of the entity's taxable year, twenty-two and one-half per cent of the entity's estimated tax liability for that taxable year;

(2) On or before the fifteenth day of the sixth month ~~following~~ after the ~~last day of the second quarter of~~ beginning of the entity's taxable year, forty-five per cent of the entity's estimated tax liability for that taxable year;

(3) On or before the fifteenth day of the ninth month ~~following~~ after the ~~last day of the third quarter of~~ beginning of the entity's taxable year, sixty-seven and one-half per cent of the entity's estimated tax liability for that taxable year;

(4) On or before the fifteenth day of the first month ~~following~~ of the ~~last day of the fourth quarter of~~ the entity's following taxable year, ninety per cent of the entity's estimated tax liability for that taxable year.

Payments of estimated taxes shall be made payable to the treasurer of state.

(C) If a payment of estimated taxes is not paid in the full amount required under division (B) of this section, a penalty ~~shall~~ may be added to the taxes charged for the qualifying taxable year or taxable year, as applicable, unless the underpayment is due to reasonable cause as described in division (D) of this section. The penalty shall accrue at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment from the day the estimated payment was required to be made to the day the payment is made.

The amount of the underpayment upon which the penalty shall accrue shall be determined as follows:

(1) For the first payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(2) For the second payment of estimated taxes each year,

the required installment less the amount of taxes paid by the date prescribed for that payment;

(3) For the third payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment;

(4) For the fourth payment of estimated taxes each year, the required installment less the amount of taxes paid by the date prescribed for that payment.

For the purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of a previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the penalty imposed under division (C) of this section. Any such penalty is in lieu of any other interest charge or penalty imposed for failure to file a declaration of estimated tax report and make estimated payments as required by this section.

(D) An underpayment of estimated taxes determined under division (C) of this section is due to reasonable cause if any of the following apply:

(1) The amount of tax that was paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during that year up to the end of the month immediately preceding the month in which the payment is due;

(2) The amount of tax liability that was paid equals at least ninety per cent of the tax liability for the current taxable year;

(3) The amount of tax liability that was paid equals at least one hundred per cent of the tax liability shown on the return of the entity for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the entity filed a return under section 5747.42 of the Revised Code for that year.

(E)(1) Divisions (B) and (C) of this section do not apply for a taxable year if either of the following applies to the entity:

(a) For the immediately preceding taxable year, the entity computes in good faith and in a reasonable manner that the sum of its adjusted qualifying amounts or its qualifying taxable income, as applicable, is ten thousand dollars or less.

(b) For the taxable year the entity computes in good faith and in a reasonable manner that the sum of its adjusted qualifying amounts or its qualifying taxable income, as applicable, is ten thousand dollars or less.

(2) Notwithstanding any other provision of Title LVII of the Revised Code to the contrary, the entity shall establish by a preponderance of the evidence that its computation of the adjusted qualifying amounts or qualifying taxable income, as applicable, for the immediately preceding taxable year and the taxable year was, in fact, made in good faith and in a reasonable manner.

(F) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of qualifying entities if the commissioner finds the waiver is reasonable and proper in view of administrative costs and other factors.

(G) Estimated taxes paid by a qualifying entity or an electing pass-through entity may be applied to satisfy the entity's tax liability under section 5733.41, 5747.38, or 5747.41 of the Revised Code. Nothing in this section authorizes such an entity to apply estimated taxes paid against more than one tax.

Sec. 5747.44. (A) If a qualifying entity's or an electing pass-through entity's total liability for taxes imposed under sections 5733.41 and 5747.41 or under section 5747.38 of the Revised Code exceeds one hundred eighty thousand dollars for the second preceding taxable year or qualifying taxable year, as applicable, the entity shall make all payments required under sections 5747.42 and 5747.43 or under section 5747.38 of the Revised Code electronically in the manner prescribed by the tax commissioner.

The tax commissioner shall notify each qualifying entity and electing pass-through entity required to remit taxes electronically of the entity's obligation to do so. Failure by the commissioner to notify an entity subject to this section to remit taxes electronically does not relieve the entity of its obligation to remit taxes in that manner.

(B) Except as otherwise provided in this division, the payment of taxes electronically does not affect a qualifying entity's or an electing pass-through entity's obligation to file the returns required under sections 5747.42 and 5747.43 of the Revised Code.

(C) A qualifying entity or an electing pass-through entity required by this section to remit taxes electronically may apply to the tax commissioner in the manner prescribed by the commissioner to be excused from that requirement. The

commissioner may excuse the entity from electronic remittance for good cause shown for the period of time requested by the entity or for a portion of that period. The commissioner shall notify the entity of the commissioner's decision as soon as is practicable.

(D) If a qualifying entity or an electing pass-through entity required by this section to remit taxes electronically remits those taxes by some means other than electronically as prescribed by this section, and the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner prescribed by section 5747.13 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes required to be paid electronically, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter or Chapter 5733. of the Revised Code, and shall be considered as revenue arising from the taxes imposed under sections 5733.41 and 5747.41 or under section 5747.38 of the Revised Code. ~~The commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.~~

No additional charge shall be assessed under this division against a qualifying entity or an electing pass-through entity that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be assessed upon the remittance of any subsequent tax payment that the entity remits by some means other than electronically.

Sec. 5747.761. (A) As used in this section, "certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.312 of the Revised Code.

(B) There is allowed a refundable credit against an individual's aggregate tax liability under section 5747.02 of the Revised Code for an individual that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.312 of the Revised Code. The credit shall equal twenty-five per cent of the amount of qualified rehabilitation expenditures indicated on the certificate. The credit shall be claimed for the taxable year specified in the certificate and in the order required under section 5747.98 of the Revised Code.

(C) If the credit allowed for any taxable year exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by section 5747.98 of the Revised Code, the excess shall be refunded to the taxpayer.

(D) An individual claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the taxable year to which the credit was applied and shall make the certificate available for inspection by the tax commissioner upon the request of the commissioner during that period.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement

income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The campaign contribution credit under section 5747.29 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division ~~(G)~~ (E) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;

The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

The nonrefundable vocational job credit under section 5747.057 of the Revised Code;

The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

The enterprise zone credit under section 5709.66 of the Revised Code;

The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;

The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;

The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;

The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;

The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

The small business investment credit under section 5747.81 of the Revised Code;

The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;

The opportunity zone investment credit under section 5747.86 of the Revised Code;

The enterprise zone credits under section 5709.65 of the Revised Code;

The research and development credit under section 5747.331 of the Revised Code;

The credit for rehabilitating a historic building under

section 5747.76 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;

The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;

The nonresident credit under division (A) of section 5747.05 of the Revised Code;

The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5747.66 of the Revised Code;

The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;

The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

The refundable credit under section 5747.39 of the Revised

Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity;

The refundable credit for qualifying dependents under section 5747.051 of the Revised Code;

The refundable credit for rehabilitating a historic owner-occupied residential property under section 5747.761 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general

assembly;

(4) Section 5748.021 of the Revised Code;

(5) Section 5748.081 of the Revised Code;

(6) Section 5748.09 of the Revised Code.

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.

(C) ~~"Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.~~"The county auditor's appraised value" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code.

(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.

(E) "Taxable income" means~~:~~

~~(1) In the case of an individual,~~ one of the following, as specified in the resolution imposing the tax:

~~(a)~~ (1) Modified adjusted gross income for the taxable year, as defined in section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;

~~(b)~~ (2) Wages, salaries, tips, and other employee compensation to the extent included in modified adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in modified adjusted gross income.

~~(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.~~

(F) "Resident" of the school district means~~:~~

~~(1) An~~ an individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district~~;~~

~~(2) An estate of a decedent who, at the time of death, was domiciled in the school district~~.

(G) "School district income" means~~:~~

~~(1) With respect to an individual,~~ the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.

~~(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district.~~

(H) "Taxpayer" means an individual ~~or estate~~ having school district income upon which a school district income tax is imposed.

(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code.

~~(J) "The county auditor's appraised value" and "estimated~~

~~effective rate" have the same meanings as in section 5705.01 of the Revised Code.~~

Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code~~ or taxable income of individuals as defined in division (E)(1)(b) of that section~~. A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which

the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted, and the date of the election at which the proposal shall be submitted to the electors of the district, which shall be on the date of a primary, general, or special election the date of which is consistent with section 3501.01 of the Revised Code. The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code~~ or taxable income of individuals as defined in division (E)(1)(b) of that section~~. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

If the tax is to be levied for current expenses and permanent improvements, the resolution shall apportion the

annual rate of the tax. The apportionment may be the same or different for each year the tax is levied, but the respective portions of the rate actually levied each year for current expenses and for permanent improvements shall be limited by the apportionment.

If the board of education currently imposes an income tax pursuant to this chapter that is due to expire and a question is submitted under this section for a proposed income tax to take effect upon the expiration of the existing tax, the board may specify in the resolution that the proposed tax renews the expiring tax. Two or more expiring income taxes may be renewed under this paragraph if the taxes are due to expire on the same date. If the tax rate being proposed is no higher than the total tax rate imposed by the expiring tax or taxes, the resolution may state that the proposed tax is not an additional income tax.

(2) A board of education adopting a resolution under division (B)(1) of this section proposing a school district income tax for a continuing period of time and limited to the purpose of current expenses may propose in that resolution to reduce the rate or rates of one or more of the school district's property taxes levied for a continuing period of time in excess of the ten-mill limitation for the purpose of current expenses. The reduction in the rate of a property tax may be any amount, not exceeding the rate at which the tax is authorized to be levied. The reduction in the rate of a tax shall first take effect for the tax year that includes the day on which the school district income tax first takes effect, and shall continue for each tax year that both the school district income tax and the property tax levy are in effect.

In addition to the matters required to be set forth in the

resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills for each one dollar of taxable value, and that the tax is levied for a continuing period of time.

A board proposing to reduce the rate of one or more property taxes under division (B)(2) of this section shall comply with division (B) of section 5705.03 of the Revised Code. In addition to the amounts required in division (B)(2) of that section, the county auditor shall certify to the board the levy's effective rate for both the last year before the levy's proposed reduction and the first year that the reduction applies, both expressed in dollars for each one hundred thousand dollars of the county auditor's appraised value.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, a copy of the resolution and, if applicable, the county auditor's certifications under section 5705.03 of the Revised Code shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The board of education shall send to the tax commissioner a copy of the resolution certified to the board of elections. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of notice of the election shall be made in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall contain the time and place of the election and the question to be submitted to the electors. The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers.

(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(E)(1) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the~~ taxable income ~~of individuals~~ as defined in division ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the~~ taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and (2)~~ division (E)(1) of that section.

(2) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the~~ taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and (2)~~ division (E)(1) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the~~ taxable income ~~of individuals~~ as defined in division ~~(E)(1)(b)~~ (E)(2) of that section.

Sec. 5748.021. A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals ~~and estates~~ as defined in divisions (G) and ~~(E)(1)(a) and (2)~~ (E)(1) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on ~~the~~ school district income ~~of individuals~~ as defined in divisions ~~(G)(1)~~ (G) and ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax.

The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the

replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school district annually to raise the amount of money specified in the resolution. The tax commissioner shall certify the estimate to the board.

Upon receipt of the tax commissioner's estimate, the board may propose, by a resolution adopted by a majority of its members, to replace the existing tax on ~~the~~ school district income ~~of individuals and estates~~ as defined in divisions (G) and ~~(E)(1)(a) and (2)~~(E)(1) of section 5748.01 of the Revised Code with the levy of an annual tax on ~~the~~ school district income ~~of individuals~~ as defined in divisions ~~(G)(1)~~(G) and ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code. In the resolution, the board shall specify the rate of the replacement tax, whether the replacement tax is to be levied for a specified number of years or for a continuing time, the specific school district purposes for which the replacement tax is to be levied, the date on which the replacement tax will begin to be levied, the date of the election at which the question of the replacement is to be submitted to the electors of the school district, that the existing tax will cease to be levied and the replacement tax will begin to be levied if the replacement is approved by a majority of the electors voting on the replacement, and that if the replacement is not approved by a majority of the electors voting on the replacement the existing tax will remain in effect under its original authority for the remainder of its previously approved term. The resolution goes into immediate effect upon its adoption. Publication of the resolution is not necessary, and the information that will be provided in the notice of election is sufficient notice. At

least seventy-five days before the date of the election at which the question of the replacement will be submitted to the electors of the school district, the board shall certify a copy of the resolution to the board of elections. The board of education shall send to the tax commissioner a copy of the resolution certified to the board of elections.

The replacement tax shall have the same specific school district purposes as the existing tax, and its rate shall be the same as the tax commissioner's estimate rounded to the nearest one-fourth of one per cent. The replacement tax shall begin to be levied on the first day of January of the year following the year in which the question of the replacement is submitted to and approved by the electors of the school district or on the first day of January of a later year, as specified in the resolution. The date of the election shall be the date of an otherwise scheduled primary, general, or special election.

The board of elections shall make arrangements to submit the question of the replacement to the electors of the school district on the date specified in the resolution. The board of elections shall publish notice of the election on the question of the replacement in one newspaper of general circulation in the school district once a week for four consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall set forth the question to be submitted to the electors and the time and place of the election thereon.

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the ballot shall be substantially as follows:

"Shall the existing tax of _____ (state the rate) on the school district income of individuals ~~and estates~~ imposed by _____ (state the name of the school district) be replaced by a tax of _____ (state the rate) on the earned income of individuals residing in the school district for _____ (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning _____ (state the date the new tax will take effect), for the purpose of _____ (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question vote against the replacement, the existing tax shall continue to be levied under its original authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board

submits the question more than once, one of the elections at which the question is submitted shall be on the date of a general election.

If a board of education later intends to renew a replacement tax levied under this section, it shall repeat the procedure outlined in this section to do so, the replacement tax then being levied being the "existing tax" and the renewed replacement tax being the "replacement tax."

Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows:

"Shall an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~ be imposed by _____ (state the name of the school district), for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on ~~the~~ taxable income ~~of individuals~~ as defined in division ~~(E)(1)(b)~~(E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu

of the "school district income of individuals ~~and of estates~~."

(2) If the question submitted to electors proposes to renew one or more expiring income tax levies, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax (or income taxes) expiring at the end of _____ (state the last year the existing income tax or taxes may be levied)."

(3) If the question includes a proposal under division (B)(2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of _____ mills, be REDUCED to _____ mills for each $1 of taxable value, which amounts to a reduction from $_____ (estimated effective rate) to $_____ (estimated effective rate) for each $100,000 of the county auditor's appraised value, that the county auditor estimates will collect $_____ annually, the reduction continuing until any such time as the income tax is repealed." In lieu of "for the tax" and "against the tax," the phrases "for the issue" and "against the issue," respectively, shall be used. If a board of education proposes a reduction in the rates of more than one tax, the ballot language shall be modified accordingly to express the rates at which those taxes currently are levied and the rates to which the taxes will be reduced.

(C) The board of elections shall certify the results of

the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of it, the income tax, the applicable provisions of Chapter 5747. of the Revised Code, and the reduction in the rate or rates of existing property taxes if the question included such a reduction shall take effect on the date specified in the resolution. If the question approved by the voters includes a reduction in the rate of a school district property tax, the board of education shall not levy the tax at a rate greater than the rate to which the tax is reduced, unless the school district income tax is repealed in an election under section 5748.04 of the Revised Code.

(D) If the rate at which a property tax is levied and collected is reduced pursuant to a question approved under this section, the tax commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is reduced as if the tax had been levied in the preceding year at the rate at which it has been reduced. If the rate of a property tax increases due to the repeal of the school district income tax pursuant to section 5748.04 of the Revised Code, the tax commissioner, for the first year for which the rate increases, shall compute the percentage as if the tax in the preceding year had been levied at the rate at which the tax was authorized to be levied prior to any rate reduction.

Sec. 5748.04. (A) The question of the repeal of a school district income tax levied for more than five years may be initiated not more than once in any five-year period by filing with the board of elections of the appropriate counties not later than ninety days before the general election in any year after the year in which it is approved by the electors a

petition requesting that an election be held on the question. The petition shall be signed by qualified electors residing in the school district levying the income tax equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

The board of elections shall determine whether the petition is valid, and if it so determines, it shall do ~~both~~ all of the following:

(1) Submit the question to the electors of the district at the next general election;

(2) Send a copy of the petition to the tax commissioner;

(3) If the rate of one or more property tax levies was reduced for the duration of the income tax levy pursuant to division (B)(2) of section 5748.02 of the Revised Code, request that the county auditor certify to the board, in the same manner as required for a tax levy under section 5705.03 of the Revised Code, an estimate of the levies' annual collections for the first year in which the levies are increased, rounded to the nearest dollar, and the levies' effective rates for the year before the proposed increase and the levies' effective rates for the first year that the increase applies, both of which shall be expressed in dollars, rounded to the nearest dollar, for each one hundred thousand dollars of the county auditor's appraised value.

The county auditor shall certify such information to the board of elections within ten days after receiving the board's request. If a school district is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the district is located the tax

valuation applicable to the portion of the district in that county.

The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the time and place of the election and the question to be submitted to the electors. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of _____ per cent, currently levied on the school district income of individuals ~~and estates~~ by _____ (state the name of the school district) for the purpose of _____ (state purpose of the tax), be repealed?

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in division ~~(E)(1)(b)~~(E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax currently is levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals~~ and estates~~."

(2) If the rate of one or more property tax levies was

reduced for the duration of the income tax levy pursuant to division (B)(2) of section 5748.02 of the Revised Code, the form of the ballot shall be modified by adding the following language immediately after "repealed": ", and shall the rate of an existing tax on property for the purpose of current expenses, which rate was reduced for the duration of the income tax, be INCREASED from _____ mills to _____ mills for each $1 of taxable value which amounts to an increase from $_____ (effective rate) to $_____ (effective rate) for each $100,000 of the county auditor's appraised value, that the county auditor estimates will collect $_____ annually, beginning in _____ (state the first year for which the rate of the property tax will increase)." In lieu of "for repeal of the income tax" and "against repeal of the income tax," the phrases "for the issue" and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for the duration of the income tax, the ballot language shall be modified accordingly to express the rates at which those taxes currently are levied and the rates to which the taxes would be increased.

(C) The question covered by the petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question vote in favor of it, the result shall be certified immediately after the canvass by the board of elections to the board of education of the school district and the tax commissioner, who shall thereupon, after the current year, cease to levy the tax, except that if notes have been issued pursuant to section 5748.05 of the Revised Code the tax commissioner shall continue to levy and

collect under authority of the election authorizing the levy an annual amount, rounded upward to the nearest one-fourth of one per cent, as will be sufficient to pay the debt charges on the notes as they fall due.

(D) If a school district income tax repealed pursuant to this section was approved in conjunction with a reduction in the rate of one or more school district property taxes as provided in division (B)(2) of section 5748.02 of the Revised Code, then each such property tax may be levied after the current year at the rate at which it could be levied prior to the reduction, subject to any adjustments required by the county budget commission pursuant to Chapter 5705. of the Revised Code. Upon the repeal of a school district income tax under this section, the board of education may resume levying a property tax, the rate of which has been reduced pursuant to a question approved under section 5748.02 of the Revised Code, at the rate the board originally was authorized to levy the tax. A reduction in the rate of a property tax under section 5748.02 of the Revised Code is a reduction in the rate at which a board of education may levy that tax only for the period during which a school district income tax is levied prior to any repeal pursuant to this section. The resumption of the authority to levy the tax upon such a repeal does not constitute a tax levied in excess of the one per cent limitation prescribed by Section 2 of Article XII, Ohio Constitution, or in excess of the ten-mill limitation.

(E) This section does not apply to school district income tax levies that are levied for five or fewer years.

Sec. 5748.08. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it

may be necessary for the school district to do all of the following:

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income;

(2) Issue general obligation bonds for permanent improvements, stating in the resolution the necessity and purpose of the bond issue and the amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(3) Levy a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities;

(4) Submit the question of the school district income tax and bond issue to the electors of the district at a special election.

The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code~~ or taxable income of individuals as defined in division (E)(1)(b) of that section~~.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than one hundred five days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall

estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on school district income and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay the debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is

taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code~~ or taxable income of individuals as defined in division (E)(1)(b) of that section~~. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

(3) The number of years the tax will be levied, or that it will be levied for a continuing period of time;

(4) The date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted;

(5) The amount of the estimated average annual property tax levy, expressed in mills for each one dollar of taxable value and dollars for each one hundred thousand dollars of the county auditor's appraised value, as certified by the county auditor under division (A) of this section.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall send to the tax commissioner a copy of the resolution adopted under division (B) of this section and certified to the board of elections. The board of elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall

be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax, the bond issue, and the levy to pay debt charges on the bonds and any anticipatory securities. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, it also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

(1) The questions to be submitted to the electors;

(2) The rate of the school district income tax;

(3) The principal amount of the proposed bond issue;

(4) The permanent improvements for which the bonds are to be issued;

(5) The maximum number of years over which the principal of the bonds may be paid;

(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor, and expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of the county auditor's appraised value;

(7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the _____ school district be authorized to do both of the following:

(1) Impose an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~, for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

(2) Issue bonds for the purpose of _____ in the principal amount of $_____, to be repaid annually over a maximum period of _____ years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period _____ mills for each $1 of taxable value, which amounts to $_____ for each $100,000 of the county auditor's appraised value, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

"

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned

income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates~~."

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question

twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

Sec. 5748.081. A board of education of a school district that, under divisions (A)(1), (D)(1), and (E) of section 5748.08 or under section 5748.09 of the Revised Code, levies a tax on the school district income of individuals ~~and estates~~ as defined in divisions (G) and ~~(E)(1)(a) and (2)~~ (E)(1) of section 5748.01 of the Revised Code may replace that tax with a tax on ~~the~~ school district income ~~of individuals~~ as defined in divisions ~~(G)(1)~~(G) and ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code by following the procedure outlined in, and subject to the conditions specified in, section 5748.021 of the Revised Code, as if the existing tax levied under section 5748.08 or 5748.09 were levied under section 5748.02 of the Revised Code. The tax commissioner and the board of elections shall perform duties in response to the actions of the board of education under this section as directed in section 5748.021 of the Revised Code.

Sec. 5748.09. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to do all of the following:

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income;

(2) Levy an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, stating in the resolution the amount of money to be raised each year for such purpose;

(3) Submit the question of the school district income tax

and property tax to the electors of the district at a special election.

The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code~~ or taxable income of individuals as defined in division (E)(1)(b) of that section~~.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor not later than one hundred days prior to the date of the special election at which the board intends to propose the income tax and property tax. Not later than ten days after receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days after receipt of the resolution, the county auditor, in the same manner as required by section 5705.195 of the Revised Code, shall make the calculation specified in that section and certify it to the board.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution declaring that the amount of taxes that can be raised by all tax levies the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide an adequate amount for the present and future requirements of the school district, and that it is therefore necessary to levy, for a specified number

of years or for a continuing period of time, an annual tax for school district purposes on school district income, and to levy, for a specified number of years not exceeding ten or for a continuing period of time, an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, and declaring that the question of the school district income tax and property tax shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code~~ or taxable income of individuals as defined in division (E)(1)(b) of that section~~. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

(3) The number of years the school district income tax will be levied, or that it will be levied for a continuing period of time;

(4) The date on which the school district income tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted;

(5) The amount of money it is necessary to raise for the purpose of providing for the necessary requirements of the district for each year the property tax is to be imposed;

(6) The number of years the property tax will be levied, or that it will be levied for a continuing period of time;

(7) The tax list upon which the property tax shall be first levied, which may be the current year's tax list;

(8) The amount of the average tax levy, expressed in dollars for each one hundred thousand dollars of the county auditor's appraised value as well as in mills for each one dollar of taxable value, estimated by the county auditor under division (A) of this section.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall send to the tax commissioner a copy of the resolution adopted under division (B) of this section and certified to the board of elections. The board of education shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, ~~also~~ the board shall also post the notice of the election on its web site for thirty days prior to the election. The notice of the election shall state all of the following:

(1) The questions to be submitted to the electors as a single ballot question;

(2) The rate of the school district income tax;

(3) The number of years the school district income tax will be levied or that it will be levied for a continuing period of time;

(4) The annual proceeds of the proposed property tax levy for the purpose of providing for the necessary requirements of the district;

(5) The number of years during which the property tax levy shall be levied, or that it shall be levied for a continuing period of time;

(6) The estimated average additional tax rate of the property tax, expressed in dollars for each one hundred thousand dollars of the county auditor's appraised value as well as in mills for each one dollar of taxable value, outside the limitation imposed by Section 2 of Article XII, Ohio Constitution, as certified by the county auditor;

(7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the _____ school district be authorized to do both of the following:

(1) Impose an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~, for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

(2) Impose a property tax levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of $_____ (here insert annual amount the levy is to produce), estimated by the county auditor to average _____ mills for each $1 of taxable value, which amounts to $_____ for each $100,000 of the county auditor's appraised value, for _____ (state the number of years the tax is to be imposed or that it will be imposed for a continuing period of time), commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAX
	AGAINST THE INCOME TAX AND PROPERTY TAX

"

If the question submitted to electors proposes a school

district income tax only on the taxable income of individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates~~."

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F)(1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(2) After the approval of a question under this section and prior to the time when the first tax collection from the property tax levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(G)(1) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(2) A property tax levy for a continuing period of time may be reduced in the manner provided under section 5705.261 of the Revised Code.

(H) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(I) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year of collection of the property tax are the same, the board of education of the school district may propose to submit under this section the combined question of a school district income tax to take effect upon the expiration of the existing income

tax and a property tax to be first collected in the calendar year after the calendar year of last collection of the existing property tax, and specify in the resolutions adopted under this section that the proposed taxes would renew the existing taxes. The form of the ballot on a question submitted to the electors under division (I) of this section shall be as follows:

"Shall the _____ school district be authorized to do both of the following:

(1) Impose an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~ to renew an income tax expiring at the end of _____ (state the last year the existing income tax may be levied) for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

(2) Impose a property tax levy renewing an existing levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of $_____ (here insert annual amount the levy is to produce), estimated by the county auditor to average _____ mills for each $1 of taxable value, which amounts to $_____ for each $100,000 of the county auditor's appraised value, for _____ (state the number of years the tax is to be imposed or that it will be imposed for a continuing period of time), commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAX
	AGAINST THE INCOME TAX AND PROPERTY TAX

"

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates~~."

(J)(1) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year in which the property tax is collected are the same, the board of education of the school district may propose to submit under this section the combined question of all of the following:

(a) The renewal of the school district income tax levied under this section, to take effect upon the expiration of the existing income tax;

(b) The renewal of the property tax levied under this section, to be levied beginning in the tax year after the tax year in which the existing property tax expires;

(c) The renewal of a property tax levied under section 5705.194 of the Revised Code, regardless of the year it expires, to be levied beginning in the same tax year that the tax described in division (J)(1)(b) of this section is first levied.

If the combined question is approved, the existing tax

levied under section 5705.194 of the Revised Code may not be levied for the first tax year the renewal tax is levied or any following tax year.

(2) In its resolution to be submitted to the tax commissioner and county auditor, the board of education shall include, in addition to the applicable requirements of division (A) of this section, a declaration of the necessity for the renewal of the property tax levied under section 5705.194 of the Revised Code, the purpose of the tax as specified under that section, and the necessity of the submission of the question of the renewal of the school district income tax and both property taxes to the electors of the district at a special election. Not later than ten days after receipt of the resolution, the county auditor shall make a separate calculation and certification with respect to the renewal tax described in division (J)(1)(c) of this section in the same manner as required by section 5705.195 of the Revised Code.

In its resolution adopted upon receipt of the commissioner's and county auditor's certifications, the board of education shall include, in addition to the applicable requirements of division (B) of this section, a declaration that the amount of taxes that can be raised by all tax levies the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide an adequate amount for the present and future requirements of the school district, and that it is therefore necessary to renew the existing property tax being levied in excess of the ten-mill limitation under section 5705.194 of the Revised Code for the purpose as specified in that section, for a specified number of years not exceeding ten or for a continuing period of time, and that the question of the renewal of the school district income

tax and of both property taxes shall be submitted to the electors of the school district at a special election as described in division (B) of this section. With respect to the renewal tax described in division (J)(1)(c) of this section, the resolution shall specify the amount of money it is necessary to raise for the specified purpose for each calendar year the millage is to be imposed, the tax year that tax is to be first levied, and the estimated rate of that tax, expressed in dollars for each one hundred thousand dollars of the county auditor's appraised value as well as in mills for each one dollar of taxable value, as certified by the county auditor.

(3) In addition to the requirements of division (C) of this section, the notice of election shall separately state, with respect to the renewal tax described in division (J)(1)(c) of this section, the annual proceeds of the proposed levy for the specified purpose; the number of years the proposed tax will be levied, or that it shall be levied for a continuing period of time; and the estimated rate of the proposed levy, expressed in dollars for each one hundred thousand dollars of the county auditor's appraised value as well as in mills for each one dollar of taxable value, as certified by the county auditor.

(4) The form of the ballot on a question submitted to the electors under division (J) of this section shall be identical to the form of the ballot prescribed in division (I) of this section, except that the following shall be added after the third paragraph and in place of the voting box: "(3) Impose a property tax levy renewing an existing levy outside of the ten-mill limitation for the purpose of _____ (here insert purpose of levy as specified in section 5705.194 of the Revised Code and determined by the board of education) in the sum of $ _____ (here insert annual amount the levy is to produce),

estimated by the county auditor to average _____ mills for each $1 of taxable value, which amounts to $_____ for each $100,000 of the county auditor's appraised value, for _____ (state the number of years the tax is to be imposed or that it will be imposed for a continuing period of time), commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAXES
	AGAINST THE INCOME TAX AND PROPERTY TAXES

"

If the existing property tax being levied under section 5705.194 of the Revised Code is scheduled to expire in a tax year different from that of the existing property tax being levied under this section, the form of the ballot shall be modified by adding the following statement at the end of the paragraph prescribed in this division: "If approved, any remaining tax years on the existing levy will not be levied after tax year _____ (last tax year the tax will be levied), last due in _____ (last calendar year in which the tax shall be due)."

(5) If a majority of the electors voting on the question submitted under division (J) of this section vote in favor of it, the board of education of the school district may, in addition to any other authorization in the Revised Code and prior to the time when the first tax collection from the renewal tax levy can be made, anticipate a fraction of the proceeds of the renewal levy described in division (J)(1)(c) of this section and issue anticipation notes in an amount not exceeding the

total estimated proceeds of the levy to be collected during the first year of the levy. Any such anticipation notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(K) The question of a renewal levy under division (I) or (J) of this section shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in August, during the last year the existing property tax levy described in division (J)(1)(b) of this section may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year.

The failure by the electors to approve the question of a renewal levy under division (I) or (J) of this section does not terminate the authority previously granted by the electors to levy the taxes proposed to be renewed for their previously approved duration.

(L) If the electors of the school district approve a question under this section, the board of education of the school district may propose to renew any of the existing taxes as individual ballot questions in accordance with section 5748.02 of the Revised Code, for the school district income tax, or section 5705.194 of the Revised Code, for the property tax or taxes.

Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs

of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by this section:

(1) Ten cents per ton of coal;

(2) Four cents per ton of salt;

(3) Two cents per ton of limestone or dolomite;

(4) Two cents per ton of sand and gravel;

(5) Ten cents per barrel of oil;

(6) Two and one-half cents per thousand cubic feet of natural gas;

(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;

(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen

cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.

(9) An additional one and two-tenths cents per ton of coal mined by surface mining methods.

(B) After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money remaining in the severance tax receipts fund, except for money in the fund from the amounts due under section 1509.50 of the Revised Code, shall be credited as follows:

(1) All of the moneys in the fund from the tax levied in division (A)(1) of this section shall be credited to the mining regulation and safety fund created in section 1513.30 of the Revised Code.

(2) The money in the fund from the tax levied in division (A)(2) of this section shall be credited to the mining regulation and safety fund.

(3) Of the moneys in the fund from the tax levied in divisions (A)(3) and (4) of this section, seven and five-tenths per cent shall be credited to the geological mapping fund and

the remainder shall be credited to the mining regulation and safety fund created in section 1513.30 of the Revised Code.

(4) Of the moneys in the fund from the tax levied in divisions (A)(5) and (6) of this section, ~~ninety~~ eighty-six per cent shall be credited to the oil and gas well fund and ~~ten~~ fourteen per cent shall be credited to the geological mapping fund.

(5) All of the moneys in the fund from the tax levied in division (A)(7) of this section shall be credited to the mining regulation and safety fund.

(6) All of the moneys in the fund from the tax levied in division (A)(8) of this section shall be credited to the reclamation forfeiture fund.

(7) All of the moneys in the fund from the tax levied in division (A)(9) of this section shall be credited to the mining regulation and safety fund.

(C) When, at the close of any fiscal year, the chief finds that the balance of the reclamation forfeiture fund, plus the estimated revenues from the tax levied by division (A)(8) of this section for the remainder of the calendar year that includes the close of the fiscal year, are sufficient to complete the reclamation of all lands for which the performance security has been provided under division (C)(2) of section 1513.08 of the Revised Code, the purposes for which the tax under division (A)(8) of this section is levied shall be deemed accomplished at the end of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)(8) of this section shall cease to be imposed for

the subsequent calendar year after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section for the subsequent calendar year.

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed by section 5749.02 of the Revised Code and each severer or owner liable for the amounts due under section 1509.50 of the Revised Code, except for any amount due under division (B)(2) of that section, shall make and file returns with the tax commissioner in the prescribed form and at the prescribed times, computing and reflecting therein the tax as required by this chapter and amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every calendar quarter, as required by this section, unless a different return period is prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar quarter, or other period, or any part thereof, during which the severer holds a permit or has registered as provided by section 5749.04 of the Revised Code, or is required to hold the permit or registration, or during which an owner is required to file a return. The return shall be filed on or before the fifteenth day of the second month following the end of each return period. The tax due is payable along with the return. All such returns shall

contain such information as the commissioner may require to fairly administer the tax.

(2) All returns shall be signed by the severer or owner, as applicable, shall contain the full and complete information requested, and shall be made under penalty of perjury.

(C) If the commissioner believes that quarterly payments of tax would result in a delay that might jeopardize the collection of such tax payments, the commissioner may order that such payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the taxpayer to the contrary.

(D) Upon good cause the commissioner may extend for thirty days the period for filing any notice or return required to be filed under this section~~, and may remit all or a part of penalties that may become due under this chapter~~.

(E) Any tax and any amount due under section 1509.50 of the Revised Code not paid by the day the tax or amount is due shall bear interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount due from the day that the amount was originally required to be paid to the day of actual payment or to the day an assessment was issued under section 5749.07 or 5749.10 of the Revised Code, whichever occurs first.

(F) A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter

within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount due for the period.

(G)(1) A severer or owner, as applicable, shall remit payments electronically and, if required by the commissioner, file each return electronically. The commissioner may require that the severer or owner use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another electronic means to file returns and remit payments electronically.

(2) A severer or owner that is required to remit payments electronically under this section may apply to the commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a severer or owner from the requirements of division (G) of this section for good cause.

(3) If a severer or owner that is required to remit payments or file returns electronically under this section fails to do so, the commissioner may impose a penalty on the severer or owner not to exceed the following:

(a) For the first or second payment or return the severer or owner fails to remit or file electronically, the greater of five per cent of the amount of the payment that was required to be remitted or twenty-five dollars;

(b) For every payment or return after the second that the severer or owner fails to remit or file electronically, the greater of ten per cent of the amount of the payment that was required to be remitted or fifty dollars.

(H)(1) All amounts that the commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.

(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the twenty-fifth day of each month, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code, and shall provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of

the Revised Code. ~~The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements.~~

Sec. 5749.07. (A) If any severer required by this chapter to make and file returns and pay the tax levied by section 5749.02 of the Revised Code, or any severer or owner liable for the amounts due under section 1509.50 of the Revised Code, fails to make such return or pay such tax or amounts, the tax commissioner may make an assessment against the severer or owner based upon any information in the commissioner's possession.

No assessment shall be made or issued against any severer for any tax imposed by section 5749.02 of the Revised Code or against any severer or owner for any amount due under section 1509.50 of the Revised Code more than four years after the return was due or was filed, whichever is later. This section does not bar an assessment against a severer or owner who fails to file a return as required by this chapter, or who files a fraudulent return.

The commissioner shall give the party assessed written notice of such assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment~~, either personally or by certified mail,~~ a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The

petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of such entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state severance tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due or amounts due under section 1509.50 of the Revised Code shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or

until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by section 5749.02 of the Revised Code and the amount due under section 1509.50 of the Revised Code, as applicable.

Sec. 5749.15. Any person who fails to file a return or pay the tax as required under this chapter or other amount due under section 1509.50 of the Revised Code who is assessed such taxes or other amount due pursuant to section 5749.07 or 5749.10 of the Revised Code may be liable for a penalty of up to twenty-five per cent of the amount assessed. ~~The tax commissioner may adopt rules relating to the imposition and remission of penalties imposed under this section.~~

Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is

levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that contains all tax periods in the calendar year. A taxpayer is subject to the annual privilege tax for doing business during any portion of such calendar year.

(B) The tax imposed by this section is a tax on the taxpayer and shall not be billed or invoiced to another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of

that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Sixty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the ~~funds~~ fund described in division (C)(2) of this section, as provided in that division, and the remainder shall be credited to the general revenue fund.

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment ~~of the following amounts from the commercial activities tax receipts fund:~~

~~(a) To~~ to the commercial activity tax motor fuel receipts fund~~,~~ of an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities~~;~~

~~(b) To the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, an amount necessary to make those~~

~~payments;~~

~~(c) To the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, an amount necessary to make those payments.~~

~~(D)~~(1) ~~On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.~~

~~(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund~~.

~~(E)(1)~~(D)(1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund.

(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those

costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division ~~(E)(2)~~ (D)(2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

Sec. 5751.06. (A) Any taxpayer that fails to file a return or pay the full amount of the tax due within the period prescribed therefor under this chapter shall pay a penalty in an amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section 5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(D) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

(E) ~~The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.~~

~~(F)~~ If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

~~(G)~~ (F) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (B)(2) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

~~(H)~~ (G) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of

the Revised Code, the tax commissioner shall notify the taxpayer of the violation in the manner provided in section 5703.37 of the Revised Code and may impose a penalty of up to five hundred dollars. If the taxpayer subsequently bills or invoices a person for the tax imposed under this chapter, the tax commissioner shall impose a penalty of five hundred dollars.

Sec. 5751.07. (A) Any person required to file returns under this chapter shall remit each tax payment, and, if required by the tax commissioner, file the tax return or the annual report, electronically. The commissioner may require taxpayers to use the Ohio business gateway as defined in section 718.01 of the Revised Code to file returns and remit the tax, or may provide another means for taxpayers to file and remit the tax electronically.

(B) A person required by this section to remit taxes or file returns electronically may apply to the tax commissioner, on the form prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a person from the requirements of this division for good cause.

(C)(1) If a person required to remit taxes or file a return electronically under this section fails to do so, the commissioner may impose a penalty not to exceed the following:

(a) For either of the first two tax periods the person so fails, the greater of twenty-five dollars or five per cent of the amount of the payment that was required to be remitted;

(b) For the third and any subsequent tax periods the person so fails, the greater of fifty dollars or ten per cent of the amount of the payment that was required to be remitted.

(2) The penalty imposed under division (C)(1) of this

section is in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax imposed under this chapter. A penalty may be collected by assessment in the manner prescribed by section 5751.09 of the Revised Code. ~~The tax commissioner may abate all or a portion of such a penalty.~~

(D) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5751.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition. The commissioner shall send any assessments against consolidated elected taxpayer and combined taxpayer groups under section 5751.011 or 5751.012 of the Revised Code to the taxpayer's reporting person. The reporting person shall notify all members of the group of the assessment and all outstanding taxes, interest, and penalties for which the assessment is issued.

(B) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner~~, either personally or by certified mail,~~ a written petition signed by the person or the person's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate

the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C)(1) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county.

(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the commercial activity tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire

unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section, and such amounts shall be considered as revenue arising from the tax imposed under this chapter.

(F) Except as otherwise provided in this division, no

assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5751.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

Sec. 5751.53. (A) As used in this section:

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code.

(2) "Franchise tax year" means "tax year" as defined in section 5733.04 of the Revised Code.

(3) "Deductible temporary differences" and "taxable temporary differences" have the same meanings as those terms have for purposes of paragraph 13 of the statement of financial accounting standards, number 109.

(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount.

(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a franchise tax report for franchise tax year 2005 pursuant to section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006.

(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A)(6)(a) or (b) of this section, but the amounts described in divisions (A)(6)(a) and (b) of this section shall each be reduced by the qualifying amount.

(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward;

(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax

asset reflected on its books and records on the last day of its taxable year ending in 2004, adjusted for return to accrual, but this amount shall be reduced by the qualifying related valuation allowance amount. For the purposes of this section, the "qualifying related valuation allowance amount" is the amount of Ohio net operating loss reflected in the qualifying taxpayer's computation of the valuation allowance account, as shown on its books and records on the last day of its taxable year ending in 2004, with respect to the deferred tax asset relating to its Ohio net operating loss carryforward amount.

(7) "Other net deferred tax items apportioned to this state" is the product of (a) the amount of other net deferred tax items and (b) the fraction described in division (B)(2) of section 5733.05 for the qualifying taxpayer's franchise tax year 2005.

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, the "amount of other net deferred tax items" is the difference between (i) the qualifying taxpayer's deductible temporary differences, net of related valuation allowance amounts, shown on the qualifying taxpayer's books and records on the last day of its taxable year ending in 2004, and (ii) the qualifying taxpayer's taxable temporary differences as shown on those books and records on that date. The amount of other net deferred tax items may be less than zero.

(b) For the purposes of computing the amount of the qualifying taxpayer's other net deferred tax items described in division (A)(8)(a) of this section, any credit carryforward allowed under Chapter 5733. of the Revised Code shall be excluded from the amount of deductible temporary differences to the extent such credit carryforward amount, net of any related

valuation allowance amount, is otherwise included in the qualifying taxpayer's deductible temporary differences, net of related valuation allowance amounts, shown on the qualifying taxpayer's books and records on the last day of the qualifying taxpayer's taxable year ending in 2004.

(c) No portion of the disallowed Ohio net operating loss carryforward shall be included in the computation of the amount of the qualifying taxpayer's other net deferred tax items described in division (A)(8)(a) of this section.

(d) In no event shall the amount of other net deferred tax items apportioned to this state exceed twenty-five per cent of the qualifying Ohio net operating loss carryforward.

(9) "Amortizable amount" means:

(a) If the qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than zero, eight per cent of the sum of the qualifying taxpayer's disallowed Ohio net operating loss carryforward and the qualifying taxpayer's other net deferred tax items apportioned to this state;

(b) If the amount of the qualifying taxpayer's other net deferred tax items apportioned to this state is less than zero and if the absolute value of the amount of qualifying taxpayer's other net deferred tax items apportioned to this state is less than the qualifying taxpayer's disallowed net operating loss, eight per cent of the difference between the qualifying taxpayer's disallowed net operating loss carryforward and the absolute value of the qualifying taxpayer's other net deferred tax items apportioned to this state;

(c) If the amount of the qualifying taxpayer's other net

deferred tax items apportioned to this state is less than zero and if the absolute value of the amount of qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than the qualifying taxpayer's disallowed net operating loss, zero.

(10) "Books and records" means the qualifying taxpayer's books, records, and all other information, all of which the qualifying taxpayer maintains and uses to prepare and issue its financial statements in accordance with generally accepted accounting principles.

(11)(a) Except as modified by division (A)(11)(b) of this section, "qualifying amount" means fifty million dollars per person.

(b) If for franchise tax year 2005 the person was a member of a combined franchise tax report, as provided by section 5733.052 of the Revised Code, the "qualifying amount" is, in the aggregate, fifty million dollars for all members of that combined franchise tax report, and for purposes of divisions (A)(6)(a) and (b) of this section, those members shall allocate to each member any portion of the fifty million dollar amount. The total amount allocated to the members who are qualifying taxpayers shall equal fifty million dollars.

(B) For each calendar period beginning prior to January 1, 2030, there is hereby allowed a nonrefundable tax credit against the tax levied each year by this chapter on each qualifying taxpayer, on each consolidated elected taxpayer having one or more qualifying taxpayers as a member, and on each combined taxpayer having one or more qualifying taxpayers as a member. The credit shall be claimed in the order specified in section 5751.98 of the Revised Code and is allowed only to reduce the

first one-half of any tax remaining after allowance of the credits that precede it in section 5751.98 of the Revised Code. No credit under division (B) of this section shall be allowed against the second one-half of such remaining tax.

Except as otherwise limited by divisions (C) and (D) of this section, the maximum amount of the nonrefundable credit that may be used against the first one-half of the remaining tax for each calendar year is as follows:

(1) For calendar year 2010, ten per cent of the amortizable amount;

(2) For calendar year 2011, twenty per cent of the amortizable amount, less all amounts previously used;

(3) For calendar year 2012, thirty per cent of the amortizable amount, less all amounts previously used;

(4) For calendar year 2013, forty per cent of the amortizable amount, less all amounts previously used;

(5) For calendar year 2014, fifty per cent of the amortizable amount, less all amounts previously used;

(6) For calendar year 2015, sixty per cent of the amortizable amount, less all amounts previously used;

(7) For calendar year 2016, seventy per cent of the amortizable amount, less all amounts previously used;

(8) For calendar year 2017, eighty per cent of the amortizable amount, less all amounts previously used;

(9) For calendar year 2018, ninety per cent of the amortizable amount, less all amounts previously used;

(10) For each of calendar years 2019 through 2029, one

hundred per cent of the amortizable amount, less all amounts used in all previous years.

In no event shall the cumulative credit ~~used for calendar years 2010 through 2029~~ claimed under this section exceed one hundred per cent of the amortizable amount.

~~(C)(1) Except as otherwise set forth in division (C)(2) of this section~~(C) For tax periods beginning January 1, 2030, and thereafter, a ~~refundable~~ nonrefundable credit is allowed ~~in calendar year 2030~~ for any portion of the qualifying taxpayer's amortizable amount that is not used in accordance with division (B) of this section against the tax levied by this chapter on all taxpayers. The credit shall be claimed in the order prescribed in section 5751.98 of the Revised Code and shall not exceed the tax due after allowance of any other credits that precede it in that order. The balance of the qualifying taxpayer's amortizable amount may be carried forward until fully used, provided that the amount of the credit claimed against the tax for any tax period shall be deducted from the balance carried forward to the next period.

~~(2) Division (C)(1) of this section shall not apply and no refundable credit shall be available to any person if during any portion of the calendar year 2030 the person is not subject to the tax imposed by this chapter.~~

(D) Not later than June 30, 2006, each qualifying taxpayer, consolidated elected taxpayer, or combined taxpayer that will claim for any year the credit allowed in divisions (B) and (C) of this section shall file with the tax commissioner a report setting forth the amortizable amount available to such taxpayer and all other related information that the commissioner, by rule, requires. If the taxpayer does not timely

file the report or fails to provide timely all information required by this division, the taxpayer is precluded from claiming any credit amounts described in divisions (B) and (C) of this section. Unless extended by mutual consent, the tax commissioner may, until June 30, 2010, audit the accuracy of the amortizable amount available to each taxpayer that will claim the credit, and adjust the amortizable amount or, if appropriate, issue any assessment or final determination, as applicable, necessary to correct any errors found upon audit.

(E) For the purpose of calculating the amortizable amount, if the tax commissioner ascertains that any portion of that amount is the result of a sham transaction as described in section 5703.56 of the Revised Code, the commissioner shall reduce the amortizable amount by two times the adjustment.

(F) If one entity transfers all or a portion of its assets and equity to another entity as part of an entity organization or reorganization or subsequent entity organization or reorganization for which no gain or loss is recognized in whole or in part for federal income tax purposes under the Internal Revenue Code, the credits allowed by this section shall be computed in a manner consistent with that used to compute the portion, if any, of federal net operating losses allowed to the respective entities under the Internal Revenue Code. The tax commissioner may prescribe forms or rules for making the computations required by this division.

(G)(1) Except as provided in division (F) of this section, no person shall pledge, collateralize, hypothecate, assign, convey, sell, exchange, or otherwise dispose of any or all tax credits, or any portion of any or all tax credits allowed under this section.

(2) No credit allowed under this section is subject to execution, attachment, lien, levy, or other judicial proceeding.

(H)(1)(a) Except as set forth in division (H)(1)(b) of this section and notwithstanding division (I)(1) of section 5733.04 of the Revised Code to the contrary, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction or adjustment for any Ohio net operating loss carried forward to any one or more franchise tax years after franchise tax year 2005.

(b) Division (H)(1)(a) of this section applies only to the portion of the Ohio net operating loss represented by the disallowed Ohio net operating loss carryforward.

(2) Notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction, exclusion, or adjustment with respect to deductible temporary differences reflected on the person's books and records on the last day of its taxable year ending in 2004.

(3)(a) Except as set forth in division (H)(3)(b) of this section and notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall exclude from Ohio net income all taxable temporary differences reflected on the person's books and records on the last day of its taxable year ending in

2004.

(b) In no event shall the exclusion provided by division (H)(3)(a) of this section for any franchise tax year exceed the amount of the taxable temporary differences otherwise included in Ohio net income for that year.

(4) Divisions (H)(2) and (3) of this section shall apply only to the extent such items were used in the calculations of the credit provided by this section.

Sec. 5751.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order:

The nonrefundable jobs retention credit under division (B) of section 5751.50 of the Revised Code;

The nonrefundable credit for qualified research expenses under division (B) of section 5751.51 of the Revised Code;

The nonrefundable credit for a borrower's qualified research and development loan payments under division (B) of section 5751.52 of the Revised Code;

The nonrefundable credit for ~~calendar years 2010 to 2029 for~~ unused net operating losses under ~~division (B) of~~ section 5751.53 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5751.54 of the Revised Code;

The refundable credit for film and theater capital improvement projects under section 5751.55 of the Revised Code;

The refundable jobs creation credit or job retention

credit under division (A) of section 5751.50 of the Revised Code~~;~~

~~The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code~~.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit.

Sec. 5753.021. For the purposes of funding the education needs of this state, funding efforts to alleviate problem sports gaming, supporting sports development and sports education, and defraying the costs of enforcing and administering the law governing sports gaming and the tax levied by this section, a tax is hereby levied on the sports gaming receipts of a sports gaming proprietor at the rate of ~~twenty~~ forty per cent of the sports gaming receipts received by the proprietor from the operation of sports gaming in this state.

The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code.

Sec. 5753.031. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.021 of the Revised Code and from fines imposed under Chapter 3775. of the Revised Code, the following funds are created in the state treasury:

(1) The sports gaming revenue fund;

(2) The sports gaming tax administration fund, which the

tax commissioner shall use to defray the costs incurred in administering the tax levied by section 5753.021 of the Revised Code;

(3) The sports gaming profits education fund, which shall be used for the support of public and nonpublic education for students in grades kindergarten through twelve as determined in appropriations made by the general assembly.~~—~~;

(4) The problem sports gaming fund;

(5) The sports facilities construction and sports education fund.

(B)(1) All of the following shall be deposited into the sports gaming revenue fund:

(a) All money collected from the tax levied under section 5753.021 of the Revised Code;

(b) The remainder of the fees described in division (G)(2) of section 3775.02 of the Revised Code, after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division;

(c) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code;

(d) Any fines collected under Chapter 3775. of the Revised Code.

(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code.

(C)(1) From the sports gaming revenue fund, the director

of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.

(2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code.

(3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C)(1) and (2) of this section, the director of budget and management shall transfer, on or before the fifteenth day of ~~the~~ each month ~~following the end of each calendar quarter~~, amounts to each fund as follows:

(a) ~~Ninety-eight~~ Fifty per cent to the sports facilities construction and sports education fund;

(b) Forty-eight per cent to the sports gaming profits education fund;

~~(b)~~ (c) Two per cent to the problem sports gaming fund.

(D) All interest generated by the funds created under this section shall be credited back to them.

Sec. 5753.05. (A)(1) A taxpayer who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty not to exceed the greater of five hundred dollars or ten per cent of the tax due.

(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent of the additional tax found to be due. A delinquent payment of tax made as the result of a notice or an audit is subject to the additional penalty imposed by this division.

(3) If a taxpayer fails to file a return electronically or to remit the tax electronically, the tax commissioner may impose an additional penalty of fifty dollars or ten per cent of the tax due as shown on the return, whichever is greater.

(B) If the tax due under section 5753.02 or 5753.021 of the Revised Code is not timely paid, the taxpayer shall pay interest at the rate per annum prescribed in section 5703.47 of the Revised Code beginning on the day the tax was due through the day the tax is paid or an assessment is issued, whichever occurs first.

(C) The tax commissioner shall collect any penalty or interest as if it were the tax levied by section 5753.02 or 5753.021 of the Revised Code, as applicable. Penalties and interest shall be treated as if they were revenue arising from the applicable tax.

(D) ~~The tax commissioner may abate all or a portion of any penalty imposed under this section and may adopt rules governing abatements.~~

~~(E)~~ If a casino operator or sports gaming proprietor fails to file a return or remit the tax due as required by section 5753.04 of the Revised Code within a period of one year after the due date for filing the return or remitting the tax, the Ohio casino control commission may suspend the operator's or

proprietor's license.

Sec. 5753.07. (A)(1) The tax commissioner may issue an assessment, based on any information in the tax commissioner's possession, against a taxpayer who fails to pay the tax levied under section 5753.02 or 5753.021 of the Revised Code or to file a return under section 5753.04 of the Revised Code. The tax commissioner shall give the taxpayer written notice of the assessment under section 5703.37 of the Revised Code. With the notice, the tax commissioner shall include instructions on how to petition for reassessment and on how to request a hearing with respect to the petition.

(2) Unless the taxpayer, within sixty days after service of the notice of assessment, files with the tax commissioner~~, either personally or by certified mail,~~ a written petition signed by the taxpayer, or by the taxpayer's authorized agent who has knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections to the assessment. Additional objections may be raised in writing if they are received by the tax commissioner before the date shown on the final determination.

(3) If a petition for reassessment has been properly filed, the tax commissioner shall proceed under section 5703.60 of the Revised Code.

(4) After an assessment becomes final, if any portion of the assessment, including penalties and accrued interest, remains unpaid, the tax commissioner may file a certified copy of the entry making the assessment final in the office of the clerk of the court of common pleas of Franklin county or in the

office of the clerk of the court of common pleas of the county in which the taxpayer resides, the taxpayer's casino facility or sports gaming facility is located, or the taxpayer's principal place of business in this state is located. Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the gross casino revenue tax and sports gaming receipts tax." The judgment has the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution apply to sales made under the judgment.

(5) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issued the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of the tax levied under section 5753.02 or 5753.021 of the Revised

Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A)(4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the taxpayer or the taxpayer's authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment under division (A)(2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed under division (A)(3) of this section. Full or partial payment of the assessment does not prejudice the tax commissioner's consideration of the petition for reassessment.

(C) The tax commissioner shall immediately forward to the treasurer of state all amounts the tax commissioner receives under this section, and the amounts forwarded shall be treated as if they were revenue arising from the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable.

(D) Except as otherwise provided in this division, no assessment shall be issued against a taxpayer for the tax levied under section 5753.02 or 5753.021 of the Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years

after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a taxpayer who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the taxpayer and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is liable to pay under section 5753.02 or 5753.021 of the Revised Code exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross casino revenue or sports gaming receipts, as applicable, over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a taxpayer who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

Sec. 5907.11. ~~(A)~~ The superintendent of the Ohio veterans' homes, with the approval of the director of veterans services, may establish a local fund for each veterans' home to be used for the entertainment and welfare of the residents of the home. Each fund shall be designated as the residents' benefit fund and shall be operated for the exclusive benefit of the residents of the associated home. Each fund shall receive all revenue from the sale of commissary items at the associated home and shall

receive all moneys received as donations by the associated home from any source.

~~(B) The superintendent, subject to the approval of the director, shall establish rules for the operation of the residents' benefit funds.~~

Sec. 5907.17. (A) As used in this section, ~~"physician"~~"clinician" means ~~an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery~~any of the following:

(1) An advanced practice registered nurse, licensed practical nurse, physician, physician's assistant, or registered nurse as defined in section 4723.01 of the Revised Code;

(2) An individual registered in the state nurse aide registry pursuant to section 3721.32 of the Revised Code;

(3) Any Ohio veterans' home employee who is a licensed medical professional in this state and is not exempt from a student loan repayment program under a union contract or other law.

(B) The department of veterans services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a governmental or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to institutions under the department's administration.

(C) A ~~physician~~ clinician is eligible to participate in the recruitment program if the ~~physician attended a medical or osteopathic medical school that was, at the time of attendance, either located in the United States and accredited by the liaison committee on medical education or the American~~

~~osteopathic association or located outside the United States and acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction~~clinician meets all of the following requirements:

(1) The clinician is licensed in this state by the appropriate licensing authority and works in that discipline at an Ohio veterans' home;

(2) The clinician has worked at an Ohio veterans' home for at least one year;

(3) The clinician has not been subject to formal discipline while employed by an Ohio veterans' home;

(4) The clinician provides evidence sufficient for the director of veterans services, or the director's designee, to determine that the clinician attended a school or medical program accredited by a national or regional accrediting organization;

(5) The clinician agrees to the contract terms subject to division (D) of this section and any rules adopted under division (E) of this section.

(D) The department and each ~~physician~~ clinician it recruits shall enter into a contract that includes all of the following terms:

(1) The ~~physician~~ clinician agrees to maintain appropriate licensure and provide a specified scope of ~~medical or osteopathic medical~~ health care services for a specified number of hours per week and for a specified number of years of one or more years to ~~patients~~ residents of ~~one or more specified institutions administered by the department~~the Ohio veterans'

homes.

(2) The department agrees to repay all or a specified portion of the principal and interest of a governmental or other educational loan taken by the ~~physician~~ clinician for the following expenses if the ~~physician~~ clinician meets the service obligation agreed to and the expenses were incurred while the ~~physician~~ clinician was enrolled in, for up to a maximum of four years, a school or medical program accredited by a national or regional accrediting organization~~that qualifies the physician to participate in the program~~:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (E) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (E) of this section.

(3) The ~~physician~~ clinician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the ~~physician~~ clinician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the ~~physician's~~ clinician's service obligation that remains uncompleted as determined by the department.

(4) Other terms agreed upon by the parties.

(E) The department shall adopt rules under Chapter 119. of

the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which ~~physicians~~ clinicians will be recruited;

(2) Criteria for selecting ~~physicians~~ clinicians for participation in the program;

(3) Criteria for determining the portion of a ~~physician's~~ clinician's loan that the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by ~~physicians~~ clinicians with the terms of their contracts; and

(6) Any other criteria or procedures necessary to implement the program.

(F) The director or the director's designee may allocate funds among clinicians recruited under the program for any purpose the director or director's designee considers necessary to best serve clinician staffing needs, including department eligibility for benefits from incentive programs from federal or other entities, in consideration of maximizing the overall benefit to the Ohio veterans' homes.

Sec. 6111.01. As used in this chapter:

(A) "Pollution" means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state.

(B) "Sewage" means any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or

solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities.

(C) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present.

(D) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste, and any other "pollutants" or "toxic pollutants" as defined in the Federal Water Pollution Control Act that are not sewage, sludge, sludge materials, or industrial waste.

(E) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water-borne sewage, industrial waste, or other wastes to a point of disposal or treatment, but does not include plumbing fixtures, building drains and subdrains, building sewers, and building storm sewers.

(F) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, building sewer connected directly to treatment works, incinerator, or other works used for the purpose of treating, stabilizing, blending, composting, or holding sewage, sludge, sludge materials, industrial waste, or other wastes, except as otherwise defined.

(G) "Disposal system" means a system for disposing of sewage, sludge, sludge materials, industrial waste, or other wastes and includes sewerage systems and treatment works.

(H) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters. "Waters of the state" does not include an ephemeral feature for which the United States army corps of engineers lacks the authority to issue a permit under 33 U.S.C. 1344.

(I) "Person" means the state, any municipal corporation, any other political subdivision of the state, any person as defined in section 1.59 of the Revised Code, any interstate body created by compact, or the federal government or any department, agency, or instrumentality thereof.

(J) "Industrial water pollution control facility" means any disposal system or any treatment works, pretreatment works, appliance, equipment, machinery, pipeline or conduit, pumping station, force main, or installation constructed, used, or placed in operation primarily for the purpose of collecting or conducting industrial waste to a point of disposal or treatment; reducing, controlling, or eliminating water pollution caused by industrial waste; or reducing, controlling, or eliminating the discharge into a disposal system of industrial waste or what would be industrial waste if discharged into the waters of the

state.

(K) "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with standards and rules adopted under sections 6111.041 and 6111.042 of the Revised Code or compliance with terms and conditions of permits set under division (J) of section 6111.03 of the Revised Code.

(L) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that act.

(M) "Historically channelized watercourse" means the portion of a watercourse on which an improvement, as defined in divisions (C)(2) to (4) of section 6131.01 of the Revised Code, was constructed pursuant to Chapter 940., 6131., or 6133. of the Revised Code or a similar state law that preceded any of those chapters and authorized such an improvement.

(N) "Sludge" means sewage sludge and a solid, semi-solid, or liquid residue that is generated from an industrial wastewater treatment process and that is applied to land for agronomic benefit. "Sludge" does not include ash generated during the firing of sludge in a sludge incinerator, grit and screening generated during preliminary treatment of sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(O) "Sludge materials" means solid, semi-solid, or liquid materials derived from sludge and includes products from a treatment works that result from the treatment, blending, or

composting of sludge.

(P) "Storage of sludge" means the placement of sludge on land on which the sludge remains for not longer than two years, but does not include the placement of sludge on land for treatment.

(Q) "Sludge disposal program" means any program used by an entity that begins with the generation of sludge and includes treatment or disposal of the sludge, as "treatment" and "disposal" are defined in division ~~(Y)~~ (X) of section 3745.11 of the Revised Code.

(R) "Agronomic benefit" means any process that promotes or enhances plant growth and includes, but is not limited to, a process that increases soil fertility and moisture retention.

(S) "Sludge management" means the use, storage, treatment, or disposal of, and management practices related to, sludge and sludge materials.

(T) "Sludge management permit" means a permit for sludge management that is issued under division (J) of section 6111.03 of the Revised Code.

(U) "Sewage sludge" has the same meaning as in division ~~(Y)~~ (X) of section 3745.11 of the Revised Code.

(V) "Ephemeral feature" means surface water flowing or pooling only in direct response to precipitation, such as rain or snow. "Ephemeral feature" does not include a wetland, as defined in section 6111.02 of the Revised Code.

Sec. 6111.02. As used in this section and sections 6111.021 to 6111.028 of the Revised Code:

(A) "Category 1 wetland," "category 2 wetland," or

"category 3 wetland" means a category 1 wetland, category 2 wetland, or category 3 wetland, respectively, as described in rule 3745-1-54 of the Administrative Code, as that rule existed on July 17, 2001, and as determined to be a category 1, category 2, or category 3 wetland, respectively, through application of the "Ohio rapid assessment method for wetlands version 5.0," including the Ohio rapid assessment method for wetlands version 5.0 quantitative score calibration dated August 15, 2000, unless an application for a section 401 water quality certification was submitted prior to February 28, 2001, in which case the applicant for the permit may elect to proceed in accordance with Ohio rapid assessment method for wetlands version 4.1.

(B) "Creation" means the establishment of a wetland where one did not formerly exist and that involves wetland construction on nonhydric soils.

(C) "Enhancement" means activities conducted in an existing wetland to improve or repair existing or natural wetland functions and values of that wetland.

(D) "Fill material" means any material that is used to fill an aquatic area, to replace an aquatic area with dry land, or to change the bottom elevation of a wetland for any purpose and that consists of suitable material that is free from toxic contaminants in other than trace quantities. "Fill material" does not include either of the following:

(1) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(2) Material placed for the purpose of maintenance of

existing structures, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(E) "Filling" means the addition of fill material into a wetland for the purpose of creating upland, changing the bottom elevation of the wetland, or creating impoundments of water. "Filling" includes, without limitation, the placement of the following in wetlands: fill material that is necessary for the construction of any structure; structures or impoundments requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands, property protection, or reclamation devices such as riprap, groins, seawalls, breakwalls, and bulkheads and fills; beach nourishment; levees; sanitary landfills; fill material for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and underwater utility lines; and artificial reefs.

(F) "Isolated wetland" means a wetland that is not subject to regulation under the Federal Water Pollution Control Act.

(G) "Mitigation" means the restoration, creation, enhancement, or, in exceptional circumstances, preservation of wetlands expressly for the purpose of compensating for wetland impacts.

(H) "Mitigation bank service area" means the designated area where a mitigation bank can reasonably be expected to provide appropriate compensation for impacts to wetlands and

other aquatic resources and that is designated as such in accordance with the process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98 or approved by the director of environmental protection in accordance with section 6111.025 of the Revised Code.

(I) "Off-site mitigation" means wetland restoration, creation, enhancement, or preservation occurring farther than one mile from a project boundary, but within the same watershed.

(J) "On-site mitigation" means wetland restoration, creation, enhancement, or preservation occurring within and not more than one mile from the project boundary and within the same watershed.

(K) "Practicable" means available and capable of being executed with existing technology and without significant adverse effect on the economic feasibility of the project in light of the overall project purposes and in consideration of the relative environmental benefit.

(L) "Preservation" means the long-term protection of ecologically important wetlands through the implementation of appropriate legal mechanisms to prevent harm to the wetlands. "Preservation" may include protection of adjacent upland areas as necessary to ensure protection of a wetland.

(M) "Restoration" means the reestablishment of a previously existing wetland at a site where it has ceased to exist.

(N) "State isolated wetland permit" means a permit issued in accordance with sections 6111.02 to 6111.027 of the Revised Code authorizing the filling of an isolated wetland.

(O) "Watershed" means an eight-digit hydrologic unit.

(P) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States army corps of engineers wetland delineation manual and any other procedures and requirements adopted by the United States army corps of engineers for delineating wetlands.

(Q) "Wetland mitigation bank" means a site where wetlands have been restored, created, enhanced, or, in exceptional circumstances, preserved expressly for the purpose of providing mitigation for impacts to wetlands and that has been approved in accordance with the process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98 or approved by the director of environmental protection in accordance with section 6111.025 of the Revised Code.

(R) "Eight-digit hydrologic unit" means a common surface drainage area corresponding to one from the list of thirty-seven adapted from the forty-four cataloging units as depicted on the hydrologic unit map of Ohio, United States geological survey, 1988, and as described in division (F)(2) of rule 3745-1-54 of the Administrative Code or as otherwise shown on map number 1 found in rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic unit" is limited to those parts of the cataloging units that geographically lie within the borders of this state.

(S) "In-lieu fee mitigation" means a payment made by an applicant to satisfy a wetland mitigation requirement established in sections 6111.02 to 6111.027 of the Revised Code.

Sec. 6111.022. (A) A proposed filling of a category 1 or a category 2 isolated wetland of one-half acre or less shall require a general state isolated wetland permit and be subject to level one review requirements established under division (B) of this section.

(B) Level one review shall apply only to the filling of a category 1 or a category 2 isolated wetland as described in division (A) of this section requiring a general state isolated wetland permit. A level one review shall require the submission of a pre-activity notice that includes an application, an acceptable wetland delineation, a wetland categorization, a description of the project, a description of the acreage of the isolated wetland that will be subject to filling, site photographs, and a mitigation proposal for the impact to the isolated wetland.

(C) The proposed filling of an isolated wetland that is subject to level one review is authorized by a general state isolated wetland permit unless the director of environmental protection notifies the applicant within thirty days after receipt of a pre-activity notice that the filling of the isolated wetland will result in a significant negative impact on state water quality. An applicant that receives such a notice may apply for an individual state isolated wetland permit in accordance with the procedures and requirements established under section 6111.023 of the Revised Code.

(D) Mitigation for the proposed filling of an isolated wetland that is subject to level one review shall be conducted in ~~the following preferred order:~~

~~(1) Without the objection of the director and at the discretion of the applicant, either on site mitigation,~~

~~mitigation at a wetland mitigation bank within the same United States army corps of engineers district as the location of the proposed filling of the isolated wetland, or off-site mitigation;~~

~~(2) In-lieu fee mitigation.~~

~~The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (D) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in division (D)(1) of this section~~accordance with section 6111.027 of the Revised Code.

(E) A person that has submitted a pre-activity notice for coverage under a general state isolated wetland permit under this section shall complete the filling within two years after the end of the thirty-day period following the receipt of the pre-activity notice by the director. If the person does not complete the filling within that two-year period, the person shall submit a new pre-activity notice in accordance with this section.

Sec. 6111.023. (A) A proposed filling of a category 1 isolated wetland of greater than one-half acre or the proposed filling of a category 2 isolated wetland of greater than one-half acre, but less than or equal to three acres shall require an individual state isolated wetland permit and be subject to level two review requirements established under division (B) of this section.

(B) Level two review shall apply to the filling of a

category 1 or a category 2 isolated wetland described in division (A) of this section and shall require all of the following:

(1) All of the information required to be submitted with a pre-activity notice as described in division (B) of section 6111.022 of the Revised Code;

(2) The submission of an analysis of practicable on-site alternatives to the proposed filling of the isolated wetland that would have a less adverse impact on the isolated wetland ecosystem;

(3) The submission of information indicating whether high quality waters, as defined in rule 3745-1-05 of the Administrative Code, are to be avoided by the proposed filling of the isolated wetland. The information submitted shall include a listing of all waters on site and the proposed buffers on avoided resources.

(C) The director of environmental protection shall issue or deny an individual state isolated wetland permit for the proposed filling of an isolated wetland that is subject to level two review not later than ninety days after the receipt of an application for the permit. The director shall issue an individual state isolated wetland permit for the proposed filling of an isolated wetland that is subject to level two review unless the director determines that the applicant for the permit has failed to demonstrate all of the following:

(1) There is no practicable on-site alternative to the proposed filling of the isolated wetland that would have a less adverse impact on the isolated wetland ecosystem.

(2) Reasonable buffers have been provided for any isolated

wetland that will be avoided at the site where the proposed filling of the isolated wetland will take place.

(3) The isolated wetland that will be subject to filling is not locally or regionally scarce within the watershed in which it is located and does not contain rare, threatened, or endangered species.

(4) The impact would not result in significant degradation to the aquatic ecosystem.

(5) Appropriate mitigation has been proposed for any unavoidable impacts.

(6) Storm water and water quality controls will be installed to ensure that peak post-development rates of surface water runoff from the impacted isolated wetland do not exceed the peak pre-development rates of runoff from the on-site isolated wetland. Water quality improvement measures shall be incorporated into the design of the storm water control measures to the maximum extent practicable. Examples of these measures include, but are not limited to, incorporating vegetated areas in a storm water control plan.

(7) Any additional, practicable, site-specific requirements that are determined necessary by the director to protect water quality have been satisfied.

(D)(1) Notwithstanding an applicant's demonstration under division (C) of this section, the director may deny an application for an individual state isolated wetland permit submitted under this section if the director determines that the proposed filling of the isolated wetland will result in an adverse short-term or long-term impact on water quality.

(2) The director may impose any practicable terms and

conditions on an individual state isolated wetland permit issued under this section that are appropriate or necessary to ensure adequate protection of state water quality and to ensure compliance with this chapter and rules adopted under it.

(3) Prior to the issuance of an individual state isolated wetland permit under this section, or prior to, during, or after the filling of the isolated wetland that is the subject of the permit, the director may require that the applicant or permit holder perform various environmental quality tests, including, without limitation, chemical analyses of water, sediment, or fill material and bioassays, in order to ensure adequate protection of water quality.

~~(E)(1)~~(E) Mitigation for the proposed filling of ~~a category 1~~ an isolated wetland that is subject to level two review shall be conducted in ~~the following preferred order:~~

~~(a) Without the objection of the director and at the discretion of the applicant, either on-site mitigation, mitigation at a wetland mitigation bank within the same United States army corps of engineers district as the location of the proposed filling of the isolated wetland, or off-site mitigation;~~

~~(b) In-lieu fee mitigation.~~

~~The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (E)(1) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in division (E)(1)(a) of this section.~~

~~(2) Mitigation for the proposed filling of a category 2 isolated wetland that is subject to level two review shall be conducted in the following preferred order:~~

~~(a) Mitigation at a wetland mitigation bank with a service area that includes the location of the proposed filling of the isolated wetland.~~

~~(b) Mitigation at a wetland mitigation bank with a service area that is adjacent to the watershed in which the proposed filling of the isolated wetland is located, provided that the watershed is located within the same United States army corps of engineers district. If mitigation occurs in accordance with division (E)(2)(b) of this section, the applicable mitigation ratio calculated under section 6111.027 of the Revised Code shall be multiplied by one and one-half.~~

~~(c) In-lieu fee mitigation;~~

~~(d) Reasonably identifiable, available, and practicable mitigation within the same watershed.~~

~~The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (E)(2) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in divisions (E)(2)(a) and (b) of this section~~accordance with section 6111.027 of the Revised Code.

Sec. 6111.024. (A) A proposed filling of a category 2 isolated wetland of greater than three acres or a category 3 isolated wetland shall require an individual state isolated wetland permit and be subject to level three review requirements

established under division (B) of this section.

(B) Level three review shall apply to the filling of a category 2 or a category 3 isolated wetland described in division (A) of this section and shall require all of the following:

(1) All of the information required to be submitted with a pre-activity notice as described in division (B) of section 6111.022 of the Revised Code;

(2) A full antidegradation review conducted in accordance with rules adopted under section 6111.12 of the Revised Code;

(3) The submission of information indicating whether high quality waters, as defined in rule 3745-1-05 of the Administrative Code, are to be avoided by the proposed filling of the isolated wetland. The information submitted shall include a listing of all waters on site and the proposed buffers on avoided resources.

(C) The director of environmental protection shall issue or deny an individual state isolated wetland permit for the proposed filling of an isolated wetland that is subject to level three review not later than one hundred eighty days after the receipt of an application for the permit. The director shall not issue an individual state isolated wetland permit for the proposed filling of an isolated wetland that is subject to level three review unless the director determines that the applicant for the permit has demonstrated that the proposed filling will not prevent or interfere with the attainment or maintenance of applicable state water quality standards.

(D)(1) Notwithstanding division (C) of this section, the director also may deny an application for an individual state

isolated wetland permit submitted under this section if the director determines that the proposed filling of the isolated wetland will result in an adverse short-term or long-term impact on water quality.

(2) The director may impose terms and conditions on an individual state isolated wetland permit issued under this section that are appropriate or necessary to ensure adequate protection of state water quality and to ensure compliance with this chapter and rules adopted under it.

(3) Prior to the issuance of an individual state isolated wetland permit under this section, or prior to, during, or after the filling of the isolated wetland that is the subject of the permit, the director may require that the applicant or permit holder perform various environmental quality tests, including, without limitation, chemical analyses of water, sediment, or fill material and bioassays, in order to ensure adequate protection of water quality.

(E) Mitigation for the proposed filling of a category 2 or a category 3 isolated wetland that is subject to level three review shall be conducted in ~~the following preferred order:~~

~~(1) Reasonably identifiable, available, and practicable mitigation within the same watershed;~~

~~(2) Mitigation at a wetland mitigation bank with a service area that includes the location of the proposed filling of the isolated wetland.~~

~~(3) Mitigation at a wetland mitigation bank with a service area that is adjacent to the watershed in which the proposed filling of the isolated wetland is located, provided that the watershed is located within the same United States army corps of~~

~~engineers district. If mitigation occurs in accordance with division (E)(3) of this section, the applicable mitigation ratio calculated under section 6111.027 of the Revised Code shall be multiplied by one and one-half.~~

~~(4) In-lieu fee mitigation;~~

~~(5) If there is a significant ecological reason that the mitigation location should not be limited to the watershed in which the isolated wetland is located and if the proposed mitigation will result in a substantially greater ecological benefit, in a watershed that is adjacent to the watershed in which the isolated wetland is located.~~

~~The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (E) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in divisions (E)(1), (2), and (3) of this section~~accordance with section 6111.027 of the Revised Code.

Sec. 6111.025. (A) The department of natural resources, the division of wildlife in that department, or any other division in that department that is designated by the director of natural resources may establish and operate a wetland mitigation bank for purposes of sections 6111.02 to 6111.027 of the Revised Code. A mitigation bank so established may be used by any individual or entity, including any agency or department of the state, for mitigation purposes under those sections. Nothing in this division precludes any other private or public entity from developing a mitigation bank, provided that it is

approved by the director of environmental protection under division (C) of this section.

(B) The environmental protection agency, the department of natural resources, the division of wildlife in that department, or any other division in that department that is designated by the director of natural resources may establish and operate an in-lieu fee mitigation program for purposes of sections 6111.02 to 6111.027 of the Revised Code. An in-lieu fee mitigation program so established may be used by any individual or entity, including any agency or department of the state, for mitigation purposes under those sections.

Nothing in this division precludes any other private or public entity from developing an in-lieu fee mitigation program, provided that it is approved by the director of environmental protection under division (C) of this section.

(C) The director of environmental protection in consultation with the director of natural resources shall approve and publish a list of approved wetland mitigation banks and in-lieu fee mitigation programs that shall be used by applicants for state isolated wetland permits for mitigation purposes. In establishing the approved list, the director of environmental protection shall give preference to wetland mitigation banks that are comprised of areas involving the restoration of previously existing wetlands. Applicants for isolated wetland permits shall not use mitigation from a mitigation bank or an in-lieu fee mitigation program that has not been approved under this section.

(D) The director of environmental protection annually shall issue a report to the members of the general assembly on the total number of acres of wetlands and lineal feet of stream

that were subject to filling during the immediately preceding fiscal year. The report also shall include the total number of acres of wetlands that were restored, created, enhanced, or preserved through compensatory mitigation that same year as a result of state isolated wetland permits issued under sections 6111.02 to 6111.027 of the Revised Code and the state section 401 water quality certification program administered under section 6111.30 of the Revised Code.

(E) Any wetland category determined through the use of the appropriate Ohio rapid assessment method and verified by the environmental protection agency for purposes of an isolated wetlands permit issued under sections 6111.02 to 6111.027 of the Revised Code is valid for a period of five years following verification.

(F) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind, rules having uniform application throughout this state governing the approval and use of wetland mitigation banks, including designating mitigation bank service areas, and in-lieu fee mitigation programs under this section. The rules may include any of the following:

(1) Application requirements and approval criteria;

(2) Mitigation plans;

(3) Performance standards;

(4) Monitoring requirements;

(5) Provisions for corrective measures, adaptive management, and long term protections;

(6) Credit sales;

(7) Financial assurance;

(8) Any other provision determined by the director.

Sec. 6111.027. (A) Mitigation for impacts to isolated wetlands under sections 6111.02 to 6111.027 shall be conducted in accordance with the following ratios:

(1) For category 1 and category 2 isolated wetlands, other than forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two times the size of the area of isolated wetland that is being impacted.

(2) For forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two and one-half times the size of the area of isolated wetland that is being impacted.

(3) All other mitigation shall be subject to mitigation ratios established in rule 3745-1-54 of the Administrative Code.

(B) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code.

(C) An applicant for coverage under a general state isolated wetland permit or for an individual state isolated wetland permit under sections 6111.022 to 6111.024 of the Revised Code shall demonstrate that the mitigation site will be protected long term and that appropriate practicable management measures are, or will be, in place to restrict harmful activities that jeopardize the mitigation.

(D)(1) Mitigation for the proposed filling of an isolated wetland shall be conducted in the following preferred order, except as provided in division (D)(2) of this section:

(a) Purchasing credits at a wetland mitigation bank approved in accordance with section 6111.025 of the Revised Code;

(b) Purchasing credits at an approved in-lieu fee mitigation program in accordance with section 6111.025 of the Revised Code;

(c) Constructing individual mitigation projects.

(2) The director of environmental protection may require, or an applicant may seek, a deviation from the mitigation hierarchy specified in division (D)(1) of this section if the director determines, or the applicant demonstrates, that the size or quality of the impacted resource or the lack of available mitigation credits necessitates a change in the hierarchy.

Sec. 6111.04. (A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters

of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(B) If the director of environmental protection administers a sludge management program pursuant to division (R) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:

(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive

amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

(F) This section does not apply to any of the following:

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or

pollution by residual farm products, manure, or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 939. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. As used in division (F)(3) of this section, "residual farm products" and "manure" have the same meanings as in section 939.01 of the Revised Code.

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture;

(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F)(6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works or any discharge to a privately owned treatment works in violation of any permit conditions established in accordance with 40 C.F.R. 122.44(m).

(7) A household sewage treatment system or a small flow

on-site sewage treatment system, as applicable, as defined in section 3718.01 of the Revised Code that is installed in compliance with Chapter 3718. of the Revised Code and rules adopted under it. Division (F)(7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division ~~(Y)~~ (X) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture.

Section 101.02. That existing sections 9.239, 9.27, 9.28, 9.312, 9.331, 9.334, 9.47, 9.821, 102.02, 107.71, 113.05, 113.13, 113.40, 113.51, 119.062, 120.06, 120.08, 121.02, 121.03, 121.084, 121.085, 121.22, 121.35, 121.36, 121.37, 122.175,

122.1710, 122.4041, 122.41, 122.42, 122.47, 122.49, 122.53, 102415
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5907.17, 6111.01, 6111.02, 6111.022, 6111.023, 6111.024, 6111.025, 6111.027, and 6111.04 of the Revised Code are hereby repealed.

Section 105.01. That sections 113.06, 122.451, 122.55, 122.56, 122.561, 122.57, 124.183, 125.092, 125.093, 125.10, 125.112, 125.181, 125.36, 125.38, 125.43, 125.49, 125.51, 125.56, 125.60, 125.602, 125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012, 125.65, 125.76, 125.95, 128.412, 135.144, 904.06, 905.56, 935.25, 956.181, 1561.18, 1561.21, 1561.22, 3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3313.902, 3314.38, 3317.036, 3317.23, 3317.231, 3317.24, 3321.191, 3333.0415, 3345.86, 3354.24, 3780.18, 3780.19, 3780.22, 4729.551, 4758.18, 4758.241, 4758.50, 4758.52, 4928.57, 4928.581, 4928.582, 4928.583, 5104.08, 5123.352, 5163.05, 5180.23, 5180.24, 5180.34, 5503.031, 5745.13, 5902.06, and 5902.20 of the Revised Code are hereby repealed.

Section 105.10. That section 3354.24 of the Revised Code is hereby repealed, effective June 30, 2027.

Section 125.10. The amendment by this act of section 4785.041 of the Revised Code does not supersede the repeal of that section on April 3, 2033, as prescribed by Sections 4 and 5 of H.B. 107 of the 134th General Assembly.

Section 201.10. APPROPRIATIONS

Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2026 and the amounts in the second column are for fiscal

year 2027.

Section 203.10.

1	2	3	4	5
A		ACC ACCOUNTANCY BOARD OF OHIO		
B	Dedicated Purpose Fund Group			
C	4J80	889601 CPA Education Assistance	$260,000	$275,000
D	4K90	889609 Operating Expenses	$1,359,075	$1,400,531
E	Dedicated Purpose Fund Group Total		$1,619,075	$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS		$1,619,075	$1,675,531

Section 205.10.

1	2	3	4	5
A		ADJ ADJUTANT GENERAL		
B	General Revenue Fund			
C	GRF	745401 Ohio Military Reserve	$56,162	$56,162
D	GRF	745404 Air National Guard	$2,782,794	$2,821,658
E	GRF	745407 National Guard Benefits	$174,000	$174,000
F	GRF	745409 Central Administration	$3,585,342	$3,684,085
G	GRF	745499 Army National Guard	$6,319,611	$6,385,948

H	GRF	745503	Ohio Cyber Reserve	$1,151,000	$1,151,000
I	GRF	745504	Ohio Cyber Range	$2,650,000	$2,650,000
J	GRF	745505	State Active Duty	$70,000	$70,000
K	General Revenue Fund Total			$16,788,909	$16,992,853
L	Dedicated Purpose Fund Group				
M	5340	745612	Property Operations Management	$682,195	$682,292
N	5360	745620	Camp Perry and Buckeye Inn Operations	$1,064,057	$1,074,431
O	5370	745604	Ohio National Guard Facilities Maintenance	$60,131	$60,131
P	5U80	745613	Community Match Armories	$349,965	$349,965
Q	Dedicated Purpose Fund Group Total			$2,156,348	$2,166,819
R	Federal Fund Group				
S	3420	745616	Army National Guard Service Agreement	$24,076,820	$24,316,615
T	3E80	745628	Air National Guard Operations and Maintenance	$18,934,892	$19,380,313
U	3R80	745603	Counter Drug Operations	$26,606	$26,606
V	Federal Fund Group Total			$43,038,318	$43,723,534

W	TOTAL ALL BUDGET FUND GROUPS	$61,983,575	$62,883,206

Section 205.20. NATIONAL GUARD BENEFITS

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request that the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made.

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Service members' Group Life Insurance Policy.

OHIO CYBER RESERVE

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state government, critical infrastructure, and the citizens of this state from cyber attacks and incidences under

sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as well as for the purpose of paying expenses related to cyber state active duty of members of the Ohio Cyber Reserve, in accordance with a proclamation or order of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General.

OHIO CYBER RANGE

The foregoing appropriation item 745504, Ohio Cyber Range, shall be used by the Adjutant General's Department to establish and maintain the cyber range for purposes of providing cyber training and education to K-12 students, higher education students, members of the Ohio National Guard, federal employees, and state and local government employees, and provide for emergency preparedness exercises and trainings.

The Adjutant General's Department, in conjunction and collaboration with the Department of Administrative Services, the Department of Public Safety, the Department of Higher Education, and the Department of Education and Workforce shall establish and maintain a cyber range. The Adjutant General's Department may work with federal agencies to assist in accomplishing this objective. The state agencies identified in this paragraph may procure any necessary goods and services including, but not limited to, contracted services, hardware, networking services, maintenance costs, and the training and management costs of a cyber range. These state agencies shall determine the amount of funds each agency will contribute from available funds and appropriations enacted herein in order to establish and maintain a cyber range.

STATE ACTIVE DUTY

The foregoing appropriation item 745505, State Active Duty, shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, not including the civilian cyber security reserve forces, in accordance with a proclamation or order of the Governor. Expenses include, but are not limited to, cost of equipment, supplies, and services, as determined by the Adjutant General.

Section 207.10.

1	2	3	4	5
A		DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B	General Revenue Fund			
C	GRF 100412	Unemployment Insurance System Lease Rental Payments	$1,560,000	$1,560,000
D	GRF 100413	EDCS Lease Rental Payments	$9,300,000	$9,300,000
E	GRF 100414	MARCS Lease Rental Payments	$6,450,000	$6,450,000
F	GRF 100415	OAKS Lease Rental Payments	$2,450,000	$2,450,000
G	GRF 100416	STARS Lease Rental Payments	$1,100,000	$1,100,000
H	GRF 100447	Administrative Buildings Lease Rental Bond	$45,500,000	$60,500,000

			Payments		
I	GRF	100456	State IT Services	$978,412	$4,512,297
J	GRF	100459	Ohio Business Gateway	$14,825,421	$14,868,107
K	GRF	100469	Aronoff Center Building Maintenance	$222,000	$222,000
L	GRF	130321	State Agency Support Services	$29,811,000	$29,811,000
M	General Revenue Fund Total			$112,196,833	$130,773,404
N	Dedicated Purpose Fund Group				
O	4K90	100673	Ohio Professionals Licensing System	$7,175,727	$7,439,069
P	5AB1	100674	Next Generation 911	$3,500,000	$0
Q	5L70	100610	Professional Development	$2,413,841	$2,414,854
R	5NM0	100663	911 Program	$956,663	$980,078
S	5V60	100619	Employee Educational Development	$1,234,461	$1,268,484
T	7093	100675	Next Generation 9-1-1	$13,469,622	$14,804,264
U	Dedicated Purpose Fund Group Total			$28,750,314	$26,906,749
V	Internal Service Activity Fund Group				
W	1120	100616	DAS Administration	$14,683,912	$15,113,177

X	1170	100644	General Services Division - Operating	$23,091,398	$22,574,348
Y	1220	100637	Fleet Management	$25,449,633	$22,866,905
Z	1250	100622	Human Resources Division - Operating	$26,081,909	$26,319,177
AA	1250	100657	Benefits Communication	$620,036	$628,275
AB	1300	100606	Risk Management Reserve	$24,015,458	$24,051,115
AC	1320	100631	DAS Building Management	$53,101,399	$54,715,341
AD	1330	100607	IT Services Delivery	$194,935,390	$197,374,206
AE	2100	100612	State Printing	$31,450,162	$32,512,922
AF	2290	100630	IT Governance	$40,176,321	$40,741,507
AG	2290	100640	Consolidated IT Purchases	$28,265,838	$28,265,838
AH	4270	100602	Investment Recovery	$1,835,187	$1,891,267
AI	4N60	100617	Major IT Purchases	$3,984,131	$3,984,131
AJ	5C20	100605	MARCS Administration	$35,336,608	$35,689,974
AK	5EB0	100635	OAKS Support Organization	$101,832,561	$104,303,226
AL	5EB0	100656	OAKS Updates and Developments	$11,427,405	$11,403,567
AM	5KZ0	100659	Building Improvement	$2,276,705	$2,777,458

AN	5LJ0	100661	IT Development	$12,839,922	$12,839,922
AO	5PC0	100665	Enterprise Applications	$14,160,852	$14,244,654
AP	5WU0	100672	Ohio Benefits	$151,980,462	$0
AQ	Internal Service Activity Fund Group Total			$797,545,289	$652,297,010
AR	Fiduciary Fund Group				
AS	5UH0	100670	Enterprise Transactions	$1,590,000	$1,640,000
AT	Fiduciary Fund Group Total			$1,590,000	$1,640,000
AU	TOTAL ALL BUDGET FUND GROUPS			$940,082,436	$811,617,163

Section 207.20. EDCS LEASE RENTAL PAYMENTS

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100414, MARCS Lease

Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade.

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 130321, State Agency Support Services, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, other costs associated with the Voinovich Center in Youngstown, Ohio, or costs of repairing vehicles donated pursuant to section 125.13 of the Revised Code. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building Management Fund

(Fund 1320).

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the regular expenses of the appropriation item may be processed by the Department of Administrative Services through intrastate transfer voucher and placed in the Building Improvement Fund (Fund 5KZ0).

On July 1, 2026, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 130321, State Agency Support Services, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

Section 207.30. PROFESSIONAL DEVELOPMENT FUND

Of the foregoing appropriation item 100610, Professional Development, up to $1,400,000 in each fiscal year shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code.

Of the foregoing appropriation item 100610, Professional Development, up to $2,000,000 during the FY 2026-FY 2027 biennium may be used by the Director of Administrative Services for the creation, staffing, and administration of the Ohio Digital Academy. The Ohio Digital Academy shall exist to generate high-tech workforce capacity and serve the state of Ohio in advanced technology and cybersecurity needs. The goals of the Ohio Digital Academy shall be to educate, train, and subsequently employ analysts in completing boot camps,

certifications, or degree programs in cybersecurity, coding, software engineering, user experience designers, and related fields.

In consultation with CyberOhio, the Department of Administrative Services shall have full authority to select qualified candidates for the Ohio Digital Academy. Candidates shall be subject to all applicable background checks and if selected, shall be required to commit to three years of service with the state of Ohio. Ohio Digital Academy candidates may be placed in an unclassified, administrative staff position pursuant to division (A)(30) of section 124.11 of the Revised Code for which the Director of Administrative Services is hereby given specific authority to set compensation, or with other public or private employers identified by the Department with which a partnership agreement has been established. Notwithstanding any provision of law to the contrary, the Department may use the foregoing appropriation to reimburse selected students' tuition expenses for coursework, certification achieved, or other necessary expenses, prior to acceptance in the program, which is directly attributable to the targeted skills of the program if completed within one year prior to the effective date of this section. Upon hiring, candidates shall also be eligible for reimbursement of costs for continuing education or certification at the discretion of the Director to support the development of specialized skills in the areas of information technology and cybersecurity. Each candidate shall be responsible for any tax implications associated with the tuition. The Department reserves the right to recover all or a portion of funds provided to an Ohio Digital Academy participant who fails to complete the agreed upon three years of service commitment to the state.

On July 1, 2025, or as soon as possible thereafter, the Department of Administrative Services may select and enter into a subgrant agreement with a regionally accredited Ohio institution of higher education with demonstrated significant coursework and programming in cybersecurity to serve as a Digital Analyst Training Academy (D.A.T.A.) Center. The Center shall be responsible for paying for costs associated with the work of the Ohio Digital Academy as designated by the Department of Administrative Services. On behalf of the Center, the selected institution shall do all the following:

(A) Provide necessary educational coursework or training for the selected students' successful completion of a certificate or degree program as prescribed by the Department of Administrative Services at no cost to the selected students;

(B) Administer weekly professional development programs for students in an academic setting;

(C) Prepare analysts for summer mandatory recruit training as prescribed by the Department of Administrative Services;

(D) Coordinate and manage summer scenarios;

(E) Submit a quarterly report to the Department of Administrative Services that contains detailed information on the amount of grant funds expended for the aforementioned purposes;

(F) Submit an annual report to the Department of Administrative Services of all achievements, including a status report of all expenditures, number of students enrolled by program area, number of students graduated or certifications achieved by program area, program expansion opportunities, and projected costs to continue operating the Center.

Additional Centers may be added over the biennium subject to the approval of the Director of Administrative Services.

On July 1, 2026, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management, the unencumbered, unexpended portion remaining in appropriation item 100610, Professional Development Fund, at the end of fiscal year 2026. The certified amount is hereby reappropriated for the same purposes in fiscal year 2027.

911 PROGRAM

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program.

EMPLOYEE EDUCATIONAL DEVELOPMENT

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union, Service Employees International Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police State of Ohio, Unit 2 Association; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Section 207.40. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

COLLECTIVE BARGAINING ARBITRATION EXPENSES

The Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Human Resources Services Fund (Fund 1250).

RISK MANAGEMENT RESERVE

The foregoing appropriation item 100606, Risk Management Reserve, shall be used to make payments from the Risk Management Reserve Fund (Fund 1300) pursuant to section 9.823 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary, the amounts are hereby appropriated.

CONSOLIDATED IT PURCHASES

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

On July 1, 2026, or as soon as possible thereafter, the

Director of Administrative Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 100640, Consolidated IT Purchases, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100673, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.

The Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of

the Revised Code. The charges shall be proportionate to each benefiting state agency, board, or commission's use of the system. For agencies, boards, or commissions whose operations are not funded by appropriations from the Occupational Licensing and Regulatory Fund (Fund 4K90), the Director of Administrative Services shall certify to the Director of Budget and Management these entities' proportionate charges for use of the state's enterprise electronic licensing system. The Director of Budget and Management shall transfer cash equaling the certified amounts from these entities' respective operating funds into the Occupational Licensing and Regulatory Fund (Fund 4K90).

On July 1, 2025, or as soon as possible thereafter, the State Board of Education shall consult with the Department of Administrative Services on the utilization of the Ohio Professional Licensing System. As part of this consultation, the State Board of Education shall consider opportunities to reduce the number of license and certification types.

Section 207.45. BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may transfer cash from

Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash transfer made under this section.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology supporting development of enterprise solutions. This appropriation item may be used to pay the costs of enterprise information technology initiatives affecting state agencies or their customers.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology and may assess fees or charges to entities that are not state agencies to offset the cost of specific technology events or services. The revenue from these assessments, fees, or charges shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may request Controlling Board approval to transfer appropriations, funds, and cash to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall also be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements

determined in accordance with this section. 103014

Section 209.10. 103015

103016

1	2	3	4	5
A		AGE DEPARTMENT OF AGING		
B	General Revenue Fund			
C	GRF 490321	Operating Expenses	$2,044,405	$2,083,308
D	GRF 490410	Long-Term Care Ombudsman	$3,117,148	$3,122,195
E	GRF 490411	Senior Community Services	$10,607,903	$10,645,146
F	GRF 490414	Alzheimer's and Other Dementia Respite	$4,300,000	$4,300,000
G	GRF 490506	National Senior Service Corps	$222,000	$222,000
H	GRF 656423	Long-Term Care Budget - State	$5,322,431	$5,439,477
I	General Revenue Fund Total		$25,613,887	$25,812,126
J	Dedicated Purpose Fund Group			
K	4800 490606	Senior Community Outreach and Education	$150,000	$150,000
L	4C40 490609	Regional Long-Term Care Ombudsman Program	$1,000,000	$1,000,000

M	5BA0	490620	Long-Term Care Quality Initiatives	$12,417,919	$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	$1,770,000	$1,780,000
O	5MT0	490627	Board of Executives of Long-Term Services and Supports	$850,000	$875,000
P	5T40	656625	Health Care Grants - State	$695,940	$695,939
Q	5W10	490616	Resident Services Coordinator Program	$262,500	$262,500
R	Dedicated Purpose Fund Group Total			$17,146,359	$17,181,358
S	Federal Fund Group				
T	3220	490618	Federal Aging Grants	$10,500,000	$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	$7,462,626	$7,979,625
V	3M40	490612	Federal Independence Services	$66,495,000	$69,820,000
W	Federal Fund Group Total			$84,457,626	$88,299,625
X	TOTAL ALL BUDGET FUND GROUPS			$127,217,872	$131,293,109

Section 209.20. LONG-TERM CARE 103017

Pursuant to an interagency agreement, the Department of 103018

Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

PERFORMANCE-BASED REIMBURSEMENT

In order to improve health outcomes among populations served by PASSPORT administrative agencies, the Department of Aging, through rules adopted in accordance with Chapter 119. of the Revised Code, may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved. Prior to filing with the Joint Committee on Agency Rule Review, as provided in section 119.03 of the Revised Code, a proposed rule related to a payment method that includes a pay-for-performance incentive component, the Department shall submit a report to the Joint Medicaid Oversight Committee outlining the payment method.

Section 209.30. MYCARE OHIO

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered meals, congregate dining, transportation, personal care, respite, adult day services, home maintenance and chores, minor home modification, case management, evidence-based disease prevention and health promotion, and information assistance. Funds may also be used to provide grants to community organizations to support and expand older adult programming. Services priority shall be given to low-income, high-need persons, and/or persons with a cognitive impairment who are sixty years of age or over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to

administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

Section 211.10.

1	2	3	4	5
A		AGR DEPARTMENT OF AGRICULTURE		
B	General Revenue Fund			
C	GRF	700401 Animal Health Programs	$8,055,500	$8,265,900
D	GRF	700403 Dairy Division	$1,569,000	$1,613,000
E	GRF	700404 Ohio Proud	$189,000	$208,000
F	GRF	700406 Consumer Protection Lab	$1,880,000	$1,906,000
G	GRF	700407 Food Safety	$1,705,000	$1,752,000
H	GRF	700409 Farmland Preservation	$572,000	$588,000
I	GRF	700410 Plant Industry	$542,000	$594,000
J	GRF	700412 Weights and Measures	$825,000	$849,000
K	GRF	700415 Poultry Inspection	$970,000	$992,000
L	GRF	700418 Livestock Regulation Program	$1,600,000	$1,649,000
M	GRF	700424 Livestock Testing and Inspections	$135,000	$138,000
N	GRF	700426 Dangerous Animals and	$708,000	$716,000

			Emergency Management		
O	GRF	700427	High Volume Breeder Kennel Control	$1,545,000	$1,553,000
P	GRF	700428	Soil and Water Division	$4,679,000	$4,857,000
Q	GRF	700499	Meat Inspection Program - State Share	$8,080,000	$8,304,000
R	GRF	700501	County Agricultural Societies	$380,000	$380,000
S	GRF	700509	Soil and Water District Support	$12,527,000	$12,533,000
T	GRF	700511	Ride Inspection	$779,000	$801,000
U	GRF	700674	Plant Testing	$247,000	$218,000
V	General Revenue Fund Total			$46,987,500	$47,916,900
W	Dedicated Purpose Fund Group				
X	4900	700651	License Plates - Sustainable Agriculture	$16,800	$16,800
Y	4940	700612	Agricultural Commodity Marketing Program	$125,000	$125,000
Z	4960	700626	Ohio Grape Industries	$1,200,000	$1,200,000
AA	4970	700627	Grain Warehouse Program	$500,000	$500,000
AB	4C90	700605	Commercial Feed and Seed	$2,273,000	$2,329,000

AC	4D20	700609	Auction Education	$53,000	$54,000
AD	4E40	700606	Utility Radiological Safety	$136,000	$142,000
AE	4P70	700610	Food Safety Inspection	$1,353,000	$1,396,000
AF	4R00	700636	Ohio Proud Marketing	$25,000	$25,000
AG	4R20	700637	Dairy Industry Inspection	$1,751,000	$1,787,000
AH	4T60	700611	Poultry and Meat Inspection	$113,500	$117,000
AI	5780	700620	Ride Inspection	$1,245,000	$1,273,000
AJ	5B80	700629	Auctioneers	$230,000	$236,000
AK	5BV0	700660	Heidelberg Water Quality Lab	$275,000	$275,000
AL	5BV0	700661	Soil and Water Districts	$10,507,000	$10,509,000
AM	5FC0	700648	Plant Pest Program	$1,200,000	$1,200,000
AN	5H20	700608	Metrology Lab and Scale Certification	$1,194,000	$1,240,000
AO	5L80	700604	Livestock Management Program	$186,800	$189,800
AP	5MR0	700658	Commercial Dog Breeding	$450,000	$465,000
AQ	5MS0	700659	Animal and Consumer Protection	$8,400	$8,400

AR	5QW0	700653	Watershed Assistance	$857,000	$832,000
AS	5WJ0	700671	Hemp Program	$367,000	$375,000
AT	6520	700634	Animal, Consumer, and ATL Labs	$8,483,900	$8,328,800
AU	6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	$4,533,000	$4,649,000
AV	6H20	700670	H2Ohio	$60,607,500	$60,662,000
AW	Dedicated Purpose Fund Group Total			$97,690,900	$97,934,800
AX	Internal Service Activity Fund Group				
AY	5DA0	700644	Laboratory Administration Support	$1,300,000	$1,339,000
AZ	5GH0	700655	Administrative Support	$7,614,000	$7,990,000
BA	Internal Service Activity Fund Group Total			$8,914,000	$9,329,000
BB	Capital Projects Fund Group				
BC	7057	700632	Clean Ohio Agricultural Easement Operating	$512,000	$515,000
BD	Capital Projects Fund Group Total			$512,000	$515,000
BE	Federal Fund Group				
BF	3260	700618	Meat Inspection Program -	$5,891,000	$6,133,000

		Federal Share		
BG	3360	700617 Ohio Farm Loan - Revolving	$317,000	$200,000
BH	3820	700601 Federal Cooperative Contracts	$11,612,000	$9,669,000
BI	3J40	700607 Federal Administrative Programs	$2,000,000	$2,055,000
BJ	3R20	700614 Federal Plant Industry	$6,843,000	$7,189,000
BK	Federal Fund Group Total		$26,663,000	$25,246,000
BL	TOTAL ALL BUDGET FUND GROUPS		$180,767,400	$180,941,700

Section 211.20. SOIL AND WATER DIVISION

Of the foregoing appropriation item 700428, Soil and Water Division, $500,000 in each fiscal year shall be used to provide grants to local governments for the purpose of developing or updating local land use plans.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS

Of the foregoing appropriation item 700509, Soil and Water District Support, $4,200,000 in each fiscal year shall be used to support county soil and water conservation districts in

priority regions as defined by the director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed $40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.

The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include, but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system

data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) best management practices recognized to reduce nutrients; (8) a revolving loan program; and (9) matching funds for the Conservation Reserve Enhancement Program.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Section 213.10.

1	2	3	4	5
A		AIR AIR QUALITY DEVELOPMENT AUTHORITY		
B	Dedicated Purpose Fund Group			
C	4Z90	898602 Small Business Ombudsman	$246,000	$248,000
D	5700	898601 Operating Expenses	$3,600,000	$4,300,000
E	5A00	898603 Small Business Assistance	$150,000	$225,000
F	Dedicated Purpose Fund Group Total		$3,996,000	$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS		$3,996,000	$4,773,000

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706. of the Revised Code. The reimbursement shall occur in accordance with an administrative cost recovery plan approved by the Air Quality Development Authority Board.

Section 215.10.

1	2	3	4	5
A		ARC ARCHITECTS BOARDS		
B	Dedicated Purpose Fund Group			
C	4K90	891609 Operating	$674,000	$690,001
D	Dedicated Purpose Fund Group Total		$674,000	$690,001
E	TOTAL ALL BUDGET FUND GROUPS		$674,000	$690,001

Section 217.10.

1	2	3	4	5
A		ART OHIO ARTS COUNCIL		
B	General Revenue Fund			

C	GRF	370321	Operating Expenses	$2,672,595	$2,743,201
D	GRF	370502	State Program Subsidies	$23,038,000	$23,038,000
E	General Revenue Fund Total			$25,710,595	$25,781,201
F	Dedicated Purpose Fund Group				
G	4600	370602	Arts Council Program Support	$345,000	$345,000
H	4B70	370603	Percent For Art Acquisitions	$165,000	$165,000
I	Dedicated Purpose Fund Group Total			$510,000	$510,000
J	Federal Fund Group				
K	3140	370601	Federal Support	$1,350,000	$1,350,000
L	Federal Fund Group Total			$1,350,000	$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS			$27,570,595	$27,641,201

Section 217.20.

FEDERAL SUPPORT

Notwithstanding any provision of law to the contrary, the foregoing appropriation item 370601, Federal Support, shall be used by the Ohio Arts Council for subsidies only, and not for its administrative costs, unless the Council is required to use a portion of the funds for administrative costs under conditions of the federal grant.

Section 219.10.

103165

	1	2	3	4	5
A			ATH ATHLETIC COMMISSION		
B	Dedicated Purpose Fund Group				
C	4K90	175609	Operating Expenses	$367,022	$371,995
D	Dedicated Purpose Fund Group Total			$367,022	$371,995
E	TOTAL ALL BUDGET FUND GROUPS			$367,022	$371,995

Section 221.10. 103166

103167

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B	General Revenue Fund				
C	GRF	055321	Operating Expenses	$93,285,225	$93,285,225
D	GRF	055405	Law-Related Education	$68,000	$68,000
E	GRF	055406	BCIRS Lease Rental Payments	$2,450,000	$2,450,000
F	GRF	055411	County Sheriffs' Pay Supplement	$1,111,257	$1,130,685
G	GRF	055415	County Prosecutors' Pay Supplement	$1,476,937	$1,502,753
H	GRF	055431	Drug Abuse Response Team	$1,500,000	$1,500,000

			Grants		
I	GRF	055432	Drug Testing Equipment	$964,000	$964,000
J	GRF	055434	Internet Crimes Against Children Task Force	$500,000	$500,000
K	GRF	055441	Victims of Crime	$6,700,000	$5,700,000
L	GRF	055446	Cyber Crime Division	$1,000,000	$1,000,000
M	GRF	055501	Rape Crisis Centers	$15,300,000	$15,300,000
N	GRF	055502	School Safety Training Grants	$12,000,000	$12,000,000
O	GRF	055504	Domestic Violence Programs	$10,000,000	$10,000,000
P	GRF	055505	Pike County Capital Case	$600,000	$0
Q	General Revenue Fund Total			$146,955,419	$145,400,663
R	Dedicated Purpose Fund Group				
S	1060	055612	Attorney General Operating	$63,216,225	$64,034,683
T	4020	055616	Victims of Crime	$11,500,000	$12,000,000
U	4170	055621	Domestic Violence Shelter	$25,000	$25,000
V	4180	055615	Charitable Foundations	$11,500,000	$11,000,000
W	4190	055623	Claims Section	$77,520,063	$86,393,854

X	4190	055668	Collections System Lease Rental Payments	$4,165,000	$4,165,000
Y	4200	055603	Attorney General Antitrust	$1,500,000	$0
Z	4210	055617	Police Officers' Training Academy Fee	$3,555,387	$3,528,018
AA	4L60	055606	DARE Programs	$2,308,099	$2,310,841
AB	4Y70	055608	Title Defect Recision	$1,032,267	$1,038,534
AC	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	$2,000,000	$2,000,000
AD	5900	055633	Peace Officer Private Security Training	$101,306	$103,330
AE	5A90	055618	Telemarketing Fraud Enforcement	$10,000	$10,000
AF	5LR0	055655	Peace Officer Training - Casino	$7,726,217	$8,183,287
AG	5TL0	055659	Organized Crime Law Enforcement Trust	$100,000	$100,000
AH	5VL0	055435	Stop Bullying License Plate	$2,500	$2,500
AI	6310	055637	Consumer Protection Enforcement	$10,500,000	$11,000,000

AJ	6590	055641	Solid and Hazardous Waste Background Investigations	$359,895	$367,319
AK	QG18	055675	Law Enforcement Training	$34,965,000	$40,000,000
AL	QG18	055676	Marijuana Possession Expungement	$12,487,500	$14,250,000
AM	U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	$2,500,000	$2,500,000
AN	Dedicated Purpose Fund Group Total			$247,074,459	$263,012,366
AO	Internal Service Activity Fund Group				
AP	1950	055660	Workers' Compensation Section	$9,570,750	$9,905,726
AQ	Internal Service Activity Fund Group Total			$9,570,750	$9,905,726
AR	Holding Account Fund Group				
AS	5BY1	055674	Charitable Law Distributions	$750,000	$750,000
AT	R004	055631	General Holding Account	$1,000,000	$1,000,000
AU	R005	055632	Antitrust Settlements	$1,000,000	$1,000,000
AV	R018	055630	Consumer Frauds	$1,000,000	$1,000,000
AW	R042	055601	Organized Crime	$750,000	$750,000

			Commission Distributions		
AX	R054	055650	Collection Payment Redistribution	$4,500,000	$4,500,000
AY	Holding Account Fund Group Total			$9,000,000	$9,000,000
AZ	Federal Fund Group				
BA	3060	055620	Medicaid Fraud Control	$17,059,070	$17,887,905
BB	3830	055634	Crime Victims Assistance	$40,000,000	$40,000,000
BC	3E50	055638	Attorney General Pass-Through Funds	$8,020,999	$8,020,999
BD	3FV0	055656	Crime Victim Compensation	$7,200,000	$7,400,000
BE	3R60	055613	Attorney General Federal Funds	$5,500,000	$5,500,000
BF	Federal Fund Group Total			$77,780,069	$78,808,904
BG	TOTAL ALL BUDGET FUND GROUPS			$490,380,697	$506,127,659

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE

Of the foregoing appropriation item 055321, Operating Expenses, $650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.

NARCOTICS TASK FORCES

Of the foregoing appropriation item 055321, Operating Expenses, up to $500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General.

DOMESTIC VIOLENCE PROGRAM

Of the foregoing appropriation item 055321, Operating Expenses, $100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation

item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the

primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

DRUG TESTING EQUIPMENT

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase, operate, and maintain drug testing equipment for the Bureau of Criminal Identification and Investigation.

INTERNET CRIMES AGAINST CHILDREN TASK FORCE

The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.

VICTIMS OF CRIME

The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act.

CLEVELAND RAPE CRISIS CENTER

Of the foregoing appropriation item 055501, Rape Crisis Centers, $300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center.

SCHOOL SAFETY TRAINING GRANTS

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Director of Education and Workforce and the Director of Behavioral Health, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

(1) The support of school resource officer certification training;

(2) Any type of active shooter and school safety training or equipment;

(3) All grade level type educational resources;

(4) Training to identify and assist students with mental health issues;

(5) School supplies or equipment related to school safety or for implementing the school's safety plan;

(6) Any other training, supplies, services, or equipment related to school safety.

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency, or to a nonprofit or charitable law enforcement training organization on the law enforcement agency's behalf, shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

(D) The Attorney General is authorized to make payments directly to school or law enforcement nonprofit or charitable training organizations on behalf of any public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services.

(E) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055504, Domestic Violence Programs, $300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again."

BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055504, Domestic Violence Programs, $50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and $50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

TRANSPORTATION GRANTS

Of the foregoing appropriation item 055504, Domestic Violence Programs, $25,000 in fiscal year 2026 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The Attorney General shall adopt any rules necessary for the administration of the grant program.

PIKE COUNTY CAPITAL CASE

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end of fiscal year 2025 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2026.

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end

of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027.

LAW ENFORCEMENT TRAINING

The foregoing appropriation item 055675, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.

Of the foregoing appropriation item 055675, Law Enforcement Training, the Attorney General may use up to $100,000 for administrative expenses associated with the program, including curriculum development.

ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 055668, Collections System Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 701.10 of S.B. 310 of the 133rd General Assembly or Section 709.01 of H.B. 687 of the 134th General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Attorney General New Collection System.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall

transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CHARITABLE SETTLEMENT HOLDING ACCOUNT

The foregoing appropriation item 055674, Charitable Settlement Holding Account, shall be used to distribute money in the Charitable Settlements Holding Account Fund (Fund 5BY1), which is created in the state treasury, under the terms of relevant court orders or other settlements received in the charitable law cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

On July 1, 2025, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management the amount of cash receipts related to settlements received in charitable law cases and credited to the General Holding Account (Fund R004). The Director of Budget and Management shall transfer the amounts certified to the Charitable Settlements Holding Account Fund (Fund 5BY1).

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of

allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

Section 223.10.

1	2	3	4	5
A		AUD AUDITOR OF STATE		
B	General Revenue Fund			
C	GRF 070401	Audit Management and Services	$15,067,887	$16,035,566
D	GRF 070402	Performance Audits	$2,446,170	$2,472,567
E	GRF 070403	Fiscal Distress Technical Assistance	$611,873	$631,010
F	GRF 070404	Fraud/Corruption Audits and Investigations	$4,219,438	$4,301,040
G	GRF 070412	Local Government Audit Support	$19,225,511	$19,196,539
H	General Revenue Fund Total		$41,570,879	$42,636,722
I	Dedicated Purpose Fund Group			
J	1090 070601	Public Audit Expense - Intrastate	$13,374,149	$13,775,373

K	4220	070602	Public Audit Expense - Local Government	$37,141,304	$37,952,991
L	5840	070603	Training Program	$250,000	$250,000
M	5JZ0	070606	Auditor's Innovation Fund	$300,000	$300,000
N	5VP0	070611	Local Government Audit Support Fund	$18,085,277	$18,604,943
O	6750	070605	Uniform Accounting Network	$7,306,872	$6,804,086
P	Dedicated Purpose Fund Group Total			$76,457,602	$77,687,393
Q	TOTAL ALL BUDGET FUND GROUPS			$118,028,481	$120,324,115

Section 223.20. AUDIT MANAGEMENT AND SERVICES

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school

districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

FISCAL DISTRESS TECHNICAL ASSISTANCE

The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118., 3316., and 3345. of the Revised Code to provide services to local governments, schools, or colleges and universities in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Section 229.10.

A		OBM OFFICE OF BUDGET AND MANAGEMENT		
B	General Revenue Fund			
C	GRF	042321 Operating Expenses	$4,400,000	$4,592,000
D	GRF	042435 Gubernatorial Transition	$0	$250,000
E	General Revenue Fund Total		$4,400,000	$4,842,000
F	Internal Service Activity Fund Group			
G	1050	042603 Financial Management	$27,744,976	$28,843,309
H	Internal Service Activity Fund Group Total		$27,744,976	$28,843,309
I	Fiduciary Fund Group			
J	5EH0	042604 Forgery Recovery	$30,000	$30,000
K	Fiduciary Fund Group Total		$30,000	$30,000
L	TOTAL ALL BUDGET FUND GROUPS		$32,174,976	$33,715,309

Section 229.20. AUDIT COSTS

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Operating Expenses.

SHARED SERVICES CENTER

The foregoing appropriation item 042603, Financial Management, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby

appropriated.

Section 229.30. STATE FISCAL RECOVERY FUND

An amount equal to the unexpended and unencumbered portions of appropriation items under the State Fiscal Recovery Fund (Fund 5CV3) plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2025 are hereby reappropriated for the same purpose in fiscal year 2026. An amount equal to the unexpended and unencumbered portions of appropriation items under Fund 5CV3 plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2026 are hereby reappropriated for the same purpose in fiscal year 2027.

The Director of Budget and Management may create new appropriation items under Fund 5CV3. In each fiscal year, the Director may transfer appropriation among newly created or existing appropriation items under Fund 5CV3. The Director shall report appropriation transfers made under this section to the Controlling Board no later than January 30, 2027.

Section 231.10.

	1	2	3	4	5
A			CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD		
B	General Revenue Fund				
C	GRF	874321	Operating Expenses	$6,953,530	$7,162,135
D	GRF	874400	Statehouse Facility Improvements	$6,000,000	$0

E	General Revenue Fund Total			$12,953,530	$7,162,135
F	Dedicated Purpose Fund Group				
G	2080	874601	Underground Parking Garage Operations	$4,245,906	$4,245,906
H	4G50	874603	Capitol Square Education Center and Arts	$6,000	$6,000
I	5AN1	874608	Capitol Square Improvements	$1,927,921	$0
J	Dedicated Purpose Fund Group Total			$6,179,827	$4,251,906
K	Internal Service Activity Fund Group				
L	4S70	874602	Statehouse Gift Shop/Events	$1,000,000	$1,000,000
M	Internal Service Activity Fund Group Total			$1,000,000	$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			$20,133,357	$12,414,041

Section 231.20. OPERATING EXPENSES

On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated for fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year

2026.

On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated for fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year 2027.

STATEHOUSE FACILITY IMPROVEMENTS

On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874400, Statehouse Facility Improvements, at the end of fiscal year 2026 to be reappropriated for fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item 874400, Statehouse Facility Improvements, for fiscal year 2027.

CAPITOL SQUARE IMPROVEMENTS

On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874608, Capitol Square Improvements, at the end of fiscal year 2025 to be reappropriated for fiscal year 2026. The amount certified is hereby appropriated to the same appropriation item 874608,

Capitol Square Improvements, for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874608, Capitol Square Improvements, at the end of fiscal year 2026 to be reappropriated for fiscal year 2027. The amount certified is hereby appropriated to the same appropriation item 874608, Capitol Square Improvements, for fiscal year 2027.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

UNDERGROUND PARKING GARAGE FUND TRANSFER

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer $1,000,000 cash from the Underground Parking Garage Fund (Fund 2080) to the Statehouse Gift Shop/Events Fund (Fund 4S70). The amount transferred under this section shall be used for personnel and

operating costs related to the operations of the Statehouse Gift Shop and events.

Section 233.10.

1	2	3	4	5
A		SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS		
B	Dedicated Purpose Fund Group			
C	4K90	233601 Operating Expenses	$581,189	$593,979
D	Dedicated Purpose Fund Group Total		$581,189	$593,979
E	TOTAL ALL BUDGET FUND GROUPS		$581,189	$593,979

Section 235.10.

1	2	3	4	5
A		CAC CASINO CONTROL COMMISSION		
B	Dedicated Purpose Fund Group			
C	5HS0	955321 Operating Expenses	$17,855,928	$18,849,195
D	5NU0	955601 Casino Commission Enforcement	$156,680	$200,547
E	5YR0	955602 Problem Sports Gaming	$3,500,000	$3,500,000
F	Dedicated Purpose Fund Group Total		$21,512,608	$22,549,742
G	TOTAL ALL BUDGET FUND GROUPS		$21,512,608	$22,549,742

Section 237.10. 103613
103614

1	2	3	4	5
A		CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group			
C	4K90	930609 Operating Expenses	$1,337,144	$1,487,262
D	5CF1	930600 Peer Support Program	$292,500	$30,000
E	Dedicated Purpose Fund Group Total		$1,629,644	$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS		$1,629,644	$1,517,262

Section 239.10. 103615
103616

1	2	3	4	5
A		CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group			
C	4K90	878609 Operating Expenses	$625,713	$639,017
D	Dedicated Purpose Fund Group Total		$625,713	$639,017
E	TOTAL ALL BUDGET FUND GROUPS		$625,713	$639,017

Section 241.10. 103617
103618

1	2	3	4	5
A		CIV OHIO CIVIL RIGHTS COMMISSION		

B	General Revenue Fund				
C	GRF	876321	Operating Expenses	$7,464,880	$7,763,235
D	General Revenue Fund Total			$7,464,880	$7,763,235
E	Dedicated Purpose Fund Group				
F	2170	876604	Operations Support	$5,000	$5,000
G	Dedicated Purpose Fund Group Total			$5,000	$5,000
H	Federal Fund Group				
I	3340	876601	Federal Programs	$3,614,239	$3,676,006
J	Federal Fund Group Total			$3,614,239	$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS			$11,084,119	$11,444,241

Section 243.10. 103619
103620

1	2	3	4	5
A		COM DEPARTMENT OF COMMERCE		
B	Dedicated Purpose Fund Group			
C	4B20	800631	Real Estate Appraisal Recovery	$35,000	$35,000
D	4H90	800608	Cemeteries	$326,349	$332,990
E	4X20	800619	Financial Institutions	$2,129,695	$2,138,176

F	5430	800602	Unclaimed Funds - Operating	$16,777,906	$16,249,752
G	5430	800625	Unclaimed Funds - Claims	$90,000,000	$90,000,000
H	5440	800612	Banks	$11,467,455	$11,775,392
I	5460	800610	Fire Marshal	$30,366,505	$31,171,353
J	5460	800639	Fire Department Grants	$7,515,000	$7,515,000
K	5480	800611	Real Estate Recovery	$50,000	$50,000
L	5490	800614	Real Estate	$7,808,917	$8,014,934
M	5500	800617	Securities	$9,782,453	$10,204,710
N	5520	800604	Credit Union	$5,194,284	$4,831,282
O	5530	800607	Consumer Finance	$6,440,712	$7,215,971
P	5560	800615	Industrial Compliance	$33,508,390	$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	$3,000,000	$3,000,000
R	5F10	800635	Small Government Fire Departments	$600,000	$600,000
S	5FW0	800616	Financial Literacy Education	$150,000	$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	$742,863	$542,863

U	5HV0	800641	Cigarette Enforcement	$27,324	$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	$200,000	$200,000
W	5LN0	800645	Liquor Operating Services	$18,105,130	$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	$17,782,397	$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	$50,000	$50,000
Z	5SY0	800650	Medical Marijuana Control Program	$16,339,688	$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	$10,000	$10,000
AB	5X60	800623	Video Service	$429,981	$441,076
AC	5XK0	800657	Ohio Investor Recovery	$2,500,000	$2,500,000
AD	6530	800629	UST Registration/Permit Fee	$2,813,369	$2,824,398
AE	QG18	800660	Marijuana Control Administration - COM	$6,043,950	$8,946,600
AF	Dedicated Purpose Fund Group Total			$290,197,368	$294,753,114
AG	Internal Service Activity Fund Group				
AH	1630	800620	Division of Administration	$11,532,983	$11,239,902

AI	1630	800637	Information Technology	$12,728,427	$13,134,526
AJ	Internal Service Activity Fund Group Total			$24,261,410	$24,374,428
AK	Federal Fund Group				
AL	3480	800622	Underground Storage Tanks	$779,620	$779,620
AM	3480	800624	Leaking Underground Storage Tanks	$1,899,016	$1,899,016
AN	Federal Fund Group Total			$2,678,636	$2,678,636
AO	TOTAL ALL BUDGET FUND GROUPS			$317,137,414	$321,806,178

Section 243.20. UNCLAIMED FUNDS PAYMENTS

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

The foregoing appropriation item 800631, Real Estate Appraisal Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are

hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

The foregoing appropriation item 800653, Real Estate Home Inspector Recovery, shall be used to pay settlements, judgments, and court orders under section 4764.21 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a

contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or

owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to $1,300,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to $4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment

of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to $50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to $15,000 per fiscal year, or up to $25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to $15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall

determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds $250,000 during the biennium ending June 30, 2027, the Director of Budget and Management, upon the written request of the Director of Commerce, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than $250,000.

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash balance exceeds $200,000 during the biennium ending June

30, 2027, the Director of Budget and Management, upon the written request of the Director of Commerce, may transfer cash from Fund 4B20 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 4B20 is not less than $200,000.

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $600,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2027.

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $2,500,000 in each fiscal year from the Division of Securities Fund (Fund 5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium ending June 30, 2027. The Director of Commerce may request the transfer of cash in addition to the $2,500,000, and the Director of Budget and Management may transfer additional cash in an amount agreed upon with the Director of Commerce, if sufficient cash is available in Fund 5500. An amount equal to the additional cash transferred under this section is hereby appropriated to appropriation item 800657, Ohio Investor Recovery.

The foregoing appropriation item 800657, Ohio Investor Recovery, shall be used by the Department of Commerce pursuant to section 1707.47 of the Revised Code to provide restitution assistance to victims who: (1) are identified in a final

administrative order issued by the Division of Securities or a final court order in a civil or criminal proceeding initiated by the Division as a purchaser damaged by a sale or contract for sale made in violation of Chapter 1707. of the Revised Code; and (2) have not received the full amount of any restitution ordered in a final order before the application for restitution assistance is due.

CASH TRANSFERS TO THE OHIO INVESTOR EDUCATION AND ENFORCEMENT EXPENSE FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer $5,000,000 cash from the Division of Securities Fund (Fund 5500) to the Investor Education and Enforcement Expense Fund (5GK0).

Upon the written request of the Director of Commerce, the Director of Budget and Management, at least once every three months, may transfer cash equal to five per cent of the fees and charges received in the Division of Securities Fund (Fund 5500) to the Investor Education and Enforcement Expense Fund (Fund 5GK0).

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $150,000 cash in each fiscal year from the Consumer Finance Fund (Fund 5530) to the Financial Literacy Education Fund (Fund 5FW0).

Upon the written request of the Director of Commerce, the Director of Budget and Management, at least once every three months, may transfer cash equal to fifteen per cent of all charges, penalties, and forfeitures received into the Consumer

Finance Fund (Fund 5530) to the Financial Literacy Education Fund (Fund 5FW0) created under section 121.085 of the Revised Code.

CLAIMING UNCLAIMED FUNDS FOR THE STATE OF OHIO AND POLITICAL SUBDIVISIONS OF THE STATE

(A) Notwithstanding Chapter 169. of the Revised Code, or any law to the contrary, the Treasurer of State, in consultation with the Director of Commerce and Director of Budget and Management, may claim unclaimed funds in the name of the state and not otherwise attributable to an administrative department as defined in section 121.02 of the Revised Code. All unclaimed funds claimed pursuant to this division shall be credited to the General Revenue Fund.

(B) Notwithstanding Chapter 169. of the Revised Code or any law to the contrary, the treasurer of any political subdivision within this state, in consultation with the Director of Commerce and Director of Budget and Management, may claim unclaimed funds in the name of the political subdivision or otherwise attributable to the political subdivision. All unclaimed funds claimed pursuant to this division shall be credited to the appropriate fund of the political subdivision.

(C) Notwithstanding divisions (A) and (B) of this section, any person claiming a property interest in the unclaimed funds may file a claim with the Director of Commerce. Upon providing sufficient proof of the validity of the person's claim, the Director may, in the Director's discretion, pay the claim less any expenses and costs incurred by the state or political subdivision in securing full title and ownership of the unclaimed funds. If payment has been made to a claim, no action thereafter may be maintained by any other claimant against the

state or the political subdivision for or on account of the payment of the claim.

Section 245.10.

1	2	3	4	5
A		OCC OFFICE OF CONSUMERS' COUNSEL		
B	Dedicated Purpose Fund Group			
C	5F50 053601	Consumers' Counsel Operating	$6,899,220	$7,158,030
D	Dedicated Purpose Fund Group Total		$6,899,220	$7,158,030
E	TOTAL ALL BUDGET FUND GROUPS		$6,899,220	$7,158,030

Section 247.10.

1	2	3	4	5
A		CEB CONTROLLING BOARD		
B	Internal Service Activity Fund Group			
C	5KM0 911614	Controlling Board Emergency Purposes/Contingencies	$25,000,000	$25,000,000
D	Internal Service Activity Fund Group Total		$25,000,000	$25,000,000
E	TOTAL ALL BUDGET FUND GROUPS		$25,000,000	$25,000,000

Section 247.20. FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

Section 249.10.

1	2	3	4	5
A		COS COSMETOLOGY AND BARBER BOARD		
B	Dedicated Purpose Fund Group			
C	4K90	879609 Operating Expenses	$5,523,412	$5,841,066
D	Dedicated Purpose Fund Group Total		$5,523,412	$5,841,066
E	TOTAL ALL BUDGET FUND GROUPS		$5,523,412	$5,841,066

Section 251.10.

1	2	3	4	5
A		CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD		
B	Dedicated Purpose Fund Group			
C	4K90	899609 Operating Expenses	$2,161,054	$2,291,375
D	Dedicated Purpose Fund Group Total		$2,161,054	$2,291,375

E	TOTAL ALL BUDGET FUND GROUPS			$2,161,054	$2,291,375

Section 253.10. 103893
103894

	1	2	3	4	5
A			CLA COURT OF CLAIMS		
B	General Revenue Fund				
C	GRF	015321	Operating Expenses	$3,318,213	$3,468,684
D	GRF	015403	Public Records Adjudication	$1,145,161	$1,199,582
E	General Revenue Fund Total			$4,463,374	$4,668,266
F	Dedicated Purpose Fund Group				
G	5K20	015603	CLA Victims of Crime	$622,100	$649,822
H	5TE0	015604	Public Records	$2,800	$2,800
I	Dedicated Purpose Fund Group Total			$624,900	$652,622
J	TOTAL ALL BUDGET FUND GROUPS			$5,088,274	$5,320,888

Section 255.10. 103895
103896

	1	2	3	4	5
A			DEN STATE DENTAL BOARD		
B	Dedicated Purpose Fund Group				

C	4K90	880609 Operating Expenses	$2,281,030	$2,372,258
D	Dedicated Purpose Fund Group Total		$2,281,030	$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS		$2,281,030	$2,372,258

Section 257.10.

1	2	3	4	5
A		BDP BOARD OF DEPOSIT		
B	Dedicated Purpose Fund Group			
C	4M20	974601 Board of Deposit	$1,688,400	$1,688,400
D	Dedicated Purpose Fund Group Total		$1,688,400	$1,688,400
E	TOTAL ALL BUDGET FUND GROUPS		$1,688,400	$1,688,400

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

Section 259.10.

1	2	3	4	5

A			DEV DEPARTMENT OF DEVELOPMENT		
B	General Revenue Fund				
C	GRF	195402	Coal Research and Development Program	$175,000	$175,000
D	GRF	195405	Minority Business Development	$9,412,302	$9,508,983
E	GRF	195415	Business Development Services	$4,114,894	$4,157,217
F	GRF	195426	Redevelopment Assistance	$1,125,000	$1,141,982
G	GRF	195453	Technology Programs and Grants	$859,360	$868,648
H	GRF	195454	Small Business and Export Assistance	$4,037,643	$4,057,014
I	GRF	195455	Appalachia Assistance	$12,680,362	$12,682,630
J	GRF	195497	CDBG Operating Match	$1,445,867	$1,473,181
K	GRF	195499	BSD Federal Programs Match	$13,441,064	$13,499,251
L	GRF	1954A5	Local Government Cybersecurity Grants	$7,000,000	$0
M	GRF	195537	Ohio-Israel Agricultural Initiative	$250,000	$250,000
N	GRF	195553	Industry Sector	$5,000,000	$5,000,000

			Partnerships		
O	GRF	195556	TechCred Program	$25,205,470	$25,207,322
P	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	$4,050,000	$2,525,000
Q	GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	$45,000,000	$45,000,000
R	General Revenue Fund Total			$133,796,962	$125,546,228
S	Dedicated Purpose Fund Group				
T	4500	195624	Minority Business Bonding Program Administration	$9,875	$9,875
U	4510	195649	Business Assistance Programs	$3,000,000	$3,000,000
V	4F20	195639	State Special Projects	$500,000	$500,000
W	4F20	195655	Workforce Development Programs	$188,100	$188,100
X	4F20	195699	Utility Community Assistance	$686,947	$0
Y	4W10	195646	Minority Business Enterprise Loan	$2,000,000	$2,000,000

Z	5AI1	1956G9	Broadband Pole Replacement and Undergrounding Program	$46,361,299	$0
AA	5AP1	1956H3	Welcome Home Ohio Program	$40,625,000	$625,000
AB	5CH1	1956J2	Ohio Housing Investment Opportunity Program	$100,000,000	$0
AC	5GT0	195550	Broadband Development Grants	$2,800,000	$2,800,000
AD	5JR0	195635	Tax Incentives Operating	$1,200,000	$1,200,000
AE	5KP0	195645	Historic Rehabilitation Operating	$1,800,000	$1,800,000
AF	5M40	195659	Low Income Energy Assistance (USF)	$336,627,830	$0
AG	5M50	195660	Advanced Energy Loan Programs	$8,932,168	$8,940,462
AH	5MH0	195644	SiteOhio Administration	$5,000	$5,000
AI	5MJ0	195683	TourismOhio Administration	$7,500,000	$7,500,000
AJ	5UL0	195627	Brownfields Revolving Loan Program	$1,750,000	$1,750,000
AK	5UY0	195496	Sports Events Grants	$1,074,459	$1,074,459
AL	5W60	195691	International Trade	$50,000	$50,000

			Cooperative Projects		
AM	5XH0	195632	Women Owned Business Loans	$5,000,000	$5,000,000
AN	5XH0	195694	Micro-Loan	$2,500,000	$2,500,000
AO	5XH0	1956I1	Minority Business Development Loan Administration	$2,000,000	$2,000,000
AP	5XM0	195576	All Ohio Future Fund	$2,000,000	$2,000,000
AQ	5YE0	1956A2	Brownfield Remediation	$2,250,000	$2,250,000
AR	5YF0	1956A3	Demolition and Site Revitalization	$1,500,000	$1,500,000
AS	6170	195654	Volume Cap Administration	$40,000	$40,000
AT	6460	195638	Low- and Moderate-Income Housing Programs	$64,402,825	$64,435,386
AU	Dedicated Purpose Fund Group Total			$634,803,503	$111,168,282
AV	Internal Service Activity Fund Group				
AW	1350	195684	Development Operations	$15,263,246	$15,609,260
AX	6850	195636	Development Services Reimbursable Expenditures	$250,000	$250,000
AY	Internal Service Activity Fund Group Total			$15,513,246	$15,859,260

AZ	Facilities Establishment Fund Group				
BA	4Z60	195647	Rural Industrial Park Loan	$7,521,860	$0
BB	5S90	195628	Capital Access Loan Program	$1,500,000	$1,500,000
BC	7009	195664	Innovation Ohio	$17,426,036	$0
BD	7010	195665	Research and Development	$36,032,990	$0
BE	7037	195615	Facilities Establishment	$10,000,000	$10,000,000
BF	Facilities Establishment Fund Group Total			$72,480,886	$11,500,000
BG	Bond Research and Development Fund Group				
BH	7011	195686	Third Frontier Tax Exempt - Operating	$1,000,000	$1,000,000
BI	7011	195687	Third Frontier Research and Development Projects	$1,000,000	$1,000,000
BJ	7014	195620	Third Frontier Taxable - Operating	$2,710,000	$2,710,000
BK	7014	195692	Research and Development Taxable Bond Projects	$100,000,000	$20,000,000
BL	Bond Research and Development Fund Group Total			$104,710,000	$24,710,000
BM	Federal Fund Group				

BN	3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	$2,500,000	$2,500,000
BO	3080	195602	Appalachian Regional Commission	$7,500,000	$7,500,000
BP	3080	195603	Housing Assistance Programs	$12,571,729	$12,576,756
BQ	3080	195609	Small Business Administration Grants	$5,550,000	$5,550,000
BR	3080	195618	Energy Grants	$11,650,326	$11,661,160
BS	3080	195670	Home Weatherization Program	$86,079,636	$0
BT	3080	195672	Manufacturing Extension Partnership	$6,600,000	$6,600,000
BU	3080	195675	Procurement Technical Assistance	$1,500,000	$1,500,000
BV	3080	195696	State Trade and Export Promotion	$500,000	$500,000
BW	3350	195610	Energy Programs	$350,000	$350,000
BX	3AE0	195643	Workforce Development Initiatives	$2,000,000	$2,000,000
BY	3FJ0	195626	Small Business Capital Access and Collateral	$2,600,000	$2,600,000

			Enhancement Program		
BZ	3IC0	1956D9	Growth Capital Fund	$3,250,000	$3,250,000
CA	3IC0	1956E1	Early-Stage Focus Fund	$1,500,000	$1,500,000
CB	3IC0	1956E2	Community Development Financial Institution Loan Participation	$10,000,000	$10,000,000
CC	3IC0	1956E3	Collateral Enhancement Program	$6,000,000	$6,000,000
CD	3IC0	1956H5	State Small Business Credit Initiative Technical Assistance	$1,500,000	$1,500,000
CE	3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	$793,000,000	$0
CF	3IF0	1956E5	Broadband Digital Equity Acts Program	$23,800,000	$476,000
CG	3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	$15,000,000	$15,000,000
CH	3IM0	195583	High-Efficiency Electric Home Rebate Program	$15,000,000	$15,000,000
CI	3K80	195613	Community Development Block Grant	$57,500,000	$57,500,000

CJ	3K90	195611	Home Energy Assistance Block Grant	$180,000,000	$0
CK	3K90	195614	HEAP Weatherization	$44,000,000	$0
CL	3L00	195612	Community Services Block Grant	$32,000,000	$0
CM	3V10	195601	HOME Program	$53,750,000	$53,750,000
CN	Federal Fund Group Total			$1,375,701,691	$217,313,916
CO	TOTAL ALL BUDGET FUND GROUPS			$2,337,006,288	$506,097,686

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.

MINORITY BUSINESS DEVELOPMENT

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses

of the Office of Strategic Business Investments and the regional economic development offices.

Of the foregoing appropriation item 195415, Business Development Services, $1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

The foregoing appropriation item 195453, Technology Programs and Grants, shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented.

SMALL BUSINESS AND EXPORT ASSISTANCE

The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing GRF appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Department of Development shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, $210,000 shall be allocated to the Ohio Valley Regional Development Commission, $210,000 shall be allocated to the Ohio Mid-Eastern Government Association, $210,000 shall be allocated to the Buckeye Hills Regional Council, and $210,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, $5,000,000 shall be allocated to the Foundation for Appalachian Ohio and $1,000,000 shall be allocated to Ohio University's Voinovich School of Leadership and Public Service to work on behalf of the Mayor's partnership for Progress.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other

federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative. The appropriation shall not be used for travel and entertainment expenses incurred under the initiative.

SECTOR PARTNERSHIP NETWORKS

The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code.

TECHCRED PROGRAM

The foregoing appropriation item 195556, TechCred Program, shall be used for the programs described under sections 122.178 and 122.1710 of the Revised Code.

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to $10,000,000 in the biennium ending June 30, 2027, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of $2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division and Business Services Division.

MINORITY BUSINESS ENTERPRISE LOAN

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM

The foregoing appropriation item 1956G9, Broadband Pole Replacement and Undergrounding Program, shall be used by the Department of Development to support the Broadband Pole Replacement and Undergrounding Program under section 191.27 of the Revised Code.

TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer $3,600,000 cash

from the Broadband Pole Replacement and Undergrounding Program Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).

WELCOME HOME OHIO PROGRAM

The foregoing appropriation item 1956H3, Welcome Home Ohio Program, shall be used for grants under the Welcome Home Ohio Program established in sections 122.631 through 122.633 of the Revised Code. Of the foregoing appropriation item 1956H3, Welcome Home Ohio Program, $20,000,000 shall be used to distribute grants for land banks to purchase residential property at foreclosure sales under section 122.631 of the Revised Code. Of the foregoing appropriation item 1956H3, Welcome Home Ohio Program, $20,000,000 shall be used to distribute grants to rehabilitate or construct residential property for income-restricted owners under section 122.632 of the Revised Code.

OHIO HOUSING INVESTMENT OPPORTUNITY PROGRAM

The foregoing appropriation item 1956J2, Ohio Housing Investment Opportunity Program, shall be used to award grants and loans to local governments, or their designees, in rural counties and counties that border another state for housing development projects. Eligible housing development project expenses may included site acquisition, demolition, site remediation, wetland mitigation, or the extension or enhancement of sewer, water, gas, and electricity services to the site designated for housing. Non-housing development project costs associated with planning for housing demand may also be eligible, with priority given to county-wide proposals. Priority may be given to sites designated for housing development that have previously received funding through programs administered

in accordance with section 122.6511 or 122.6512 of the Revised Code.

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

SPORTS EVENTS GRANTS

The foregoing appropriation item 195496, Sports Events Grants, shall be used for grants as described in sections 122.12 and 122.121 of the Revised Code.

WOMEN OWNED BUSINESS LOAN

The foregoing appropriation item 195632, Women Owned Business Loan, shall be used to operate the Women Owned Business Loan Program.

MINORITY BUSINESS MICRO-LOAN

The foregoing appropriation item 195694, Micro-Loan, shall be used to operate the Minority Business Micro-Loan Program.

MBD LOAN ADMINISTRATION

The foregoing appropriation item 1956I1, MBD Loan Administration, shall be used to operate the Women Owned Loan and Minority Business Micro-Loan Programs.

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND TO THE MBD FINANCIAL ASSISTANCE FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer $5,000,000 cash from the State Small Business Credit Initiative Fund (Fund 3FJ0) to the MBD Financial Assistance Fund (Fund 5XH0). All repayments of loans issued under Fund 5XH0 shall be credited to the fund.

Upon the completion of the original Collateral Enhancement Program, the Director of Development shall certify to the Director of Budget and Management the remaining cash balance in the State Small Business Credit Initiative Fund (Fund 3FJ0). The Director of Budget and Management may transfer the certified amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0).

ALL OHIO FUTURE FUND

The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code.

BROWNFIELD REMEDIATION

The appropriation item 1956A2, Brownfield Remediation, shall be used to award grants and to pay associated administrative costs under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code.

DEMOLITION AND SITE REVITALIZATION

The appropriation item 1956A3, Demolition and Site Revitalization, shall be used to award grants and to pay associated administrative costs under the Building Demolition and Site Revitalization Program as described in section 122.6512

of the Revised Code.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 259.40. DEVELOPMENT OPERATIONS

The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. RURAL INDUSTRIAL PARK LOAN

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the

appropriation item shall not exceed $4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO THE BUSINESS ASSISTANCE FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to $3,000,000 cash in each fiscal year from the Research and Development Loan Fund (Fund 7010) to the Business Assistance Fund (Fund 4510).

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed $1,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

In the biennium ending June 30, 2027, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised

Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

Section 259.60. THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research and Development Fund (Fund 7011), and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research and Development Taxable Bond Project Fund (Fund 7014).

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS

The foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, shall be used to fund selected projects, which may include internship programs. Eligible costs are those costs of research and development projects to which the proceeds of Fund 7011 and Fund 7014 are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2026, the Director of Development may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, for fiscal year 2026. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2026.

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM (BEAD)

The foregoing appropriation item 1956E4, Broadband Equity, Access, and Deployment Program (BEAD), shall be used to build infrastructure that supports the adoption of high-speed internet.

HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund

(Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development.

Section 261.10.

1	2	3	4	5
A		DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES		
B	General Revenue Fund			
C	GRF	320411 Special Olympics	$100,000	$100,000
D	GRF	320412 Protective Services	$3,200,000	$3,200,000
E	GRF	320415 Developmental Disabilities Facilities Lease Rental Bond Payments	$27,500,000	$24,200,000
F	GRF	322422 Multi System Youth	$5,000,000	$5,000,000
G	GRF	322423 Technology First	$3,200,000	$3,200,000
H	GRF	322508 Employment First Initiative	$2,700,000	$2,700,000
I	GRF	322509 Community Supports and Rental Assistance	$700,000	$700,000
J	GRF	653321 Medicaid Program Support - State	$8,163,217	$8,421,356
K	GRF	653407 Medicaid Services	$1,127,127,000	$1,140,627,000

L	General Revenue Fund Total			$1,177,690,217	$1,188,148,356
M	Dedicated Purpose Fund Group				
N	2210	322620	Supplement Service Trust	$500,000	$500,000
O	4890	653632	Developmental Centers Direct Care Services	$7,000,000	$7,000,000
P	5DK0	322629	Capital Replacement Facilities	$750,000	$750,000
Q	5EV0	653627	Medicaid Program Support	$2,540,000	$2,540,000
R	5GE0	320606	Central Office Operating Expenses	$20,914,384	$21,180,026
S	5GE0	653606	ICF/IID and Waiver Match	$60,000,000	$60,000,000
T	5H00	322619	Medicaid Repayment	$900,000	$900,000
U	5S20	653622	Medicaid Administration and Oversight	$36,000,000	$36,000,000
V	5Z10	653624	County Board Waiver Match	$688,000,000	$752,000,000
W	Dedicated Purpose Fund Group Total			$816,604,384	$880,870,026
X	Internal Service Activity Fund Group				
Y	1520	653609	DC and Residential Facilities Operating Services	$20,000,000	$20,000,000
Z	Internal Service Activity Fund Group			$20,000,000	$20,000,000

				Total	
AA	Federal Fund Group				
AB	3250	322612	Community Social Service Programs	$15,075,000	$15,075,000
AC	3A40	653654	Medicaid Services	$3,385,530,510	$3,545,767,920
AD	3A40	653655	Medicaid Support	$92,000,000	$97,000,000
AE	3A50	320613	Developmental Disabilities Council	$3,369,230	$3,408,234
AF	Federal Fund Group Total			$3,495,974,740	$3,661,251,154
AG	TOTAL ALL BUDGET FUND GROUPS			$5,510,269,341	$5,750,269,536

Section 261.20. SPECIAL OLYMPICS

The foregoing appropriation item 320411, Special Olympics, shall be distributed by the Ohio Department of Developmental Disabilities to the Special Olympics of Ohio in support of the Ohio Special Olympics Summer Games.

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES LEASE-RENTAL BOND PAYMENTS

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related

obligations issued under Chapter 154. of the Revised Code.

Section 261.40. MULTI-SYSTEM YOUTH

Of the foregoing appropriation item 322422, Multi-System Youth, a portion may be used to provide a subsidy to eligible county boards of developmental disabilities for the provision of respite services and other services and supports for youth with complex or multi-system needs to enable them to remain in their homes with their families or in their communities. The Director of Developmental Disabilities shall establish the total amount available for the subsidy, a formula for distributing the subsidy to eligible county boards, and the eligibility requirements county boards must satisfy to receive the subsidy.

Section 261.50. TECHNOLOGY FIRST

Of the foregoing appropriation item 322423, Technology First, a portion may be used to increase access and utilization of innovative technology for people with developmental disabilities in accordance with the Technology First Policy established in section 5123.025 of the Revised Code.

Section 261.60. EMPLOYMENT FIRST INITIATIVE

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive

Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the

Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Section 261.80. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) ICF/IID services; and

(3) Other programs as identified by the Director of Developmental Disabilities.

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES

Of the foregoing appropriation item 320606, Central Office Operating Expenses, $100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2026 and fiscal year 2027 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2026 and fiscal year 2027, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code.

Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES

(A) As used in this section:

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section

5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2025, and ending

July 1, 2027, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS

Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, a portion of each appropriation item shall be used in fiscal year 2026 in accordance with this section and section 5124.15 of the Revised Code. The funds shall be used to maintain rates supporting the professional workforce development payment, as provided in division (A)(5)(c) of section 5124.15 of the Revised Code.

Section 263.10.

1	2	3	4	5
A		SBE STATE BOARD OF EDUCATION		
B	General Revenue Fund			
C	GRF	210400 Rapback	$2,000,000	$2,000,000
D	General Revenue Fund Total		$2,000,000	$2,000,000
E	Dedicated Purpose Fund Group			
F	4L20	210600 Operating Expenses	$13,010,991	$13,519,872

G	Dedicated Purpose Fund Group Total			$13,010,991	$13,519,872
H	Federal Fund Group				
I	3IS0	210601	Title II A/Supporting Effective Instruction	$1,355,000	$1,355,000
J	Federal Fund Group Total			$1,355,000	$1,355,000
K	TOTAL ALL BUDGET FUND GROUPS			$16,365,991	$16,874,872

Section 265.10. 104508
104509

1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE			
B	General Revenue Fund			
C	GRF	200321	Operating Expenses	$14,474,898	$15,054,312
D	GRF	200416	Career Technical Education	$2,758,006	$2,893,106
E	GRF	200420	Information Technology Development and Support	$4,231,479	$4,316,527
F	GRF	200422	School Management Assistance	$3,332,220	$3,474,596
G	GRF	200424	Policy Analysis	$500,000	$516,419
H	GRF	200426	Ohio Educational Computer Network	$19,994,000	$19,994,000

I	GRF	200427	Academic Standards	$6,035,410	$5,929,033
J	GRF	200437	Student Assessment	$53,409,125	$53,682,346
K	GRF	200439	Accountability/Report Cards	$7,619,440	$7,687,742
L	GRF	200446	Education Management Information System	$10,058,226	$10,525,278
M	GRF	200448	Educator and Principal Preparation	$9,163,493	$9,176,754
N	GRF	200455	Community Schools and Choice Programs	$4,370,165	$4,446,705
O	GRF	200465	Education Technology Resources	$4,672,828	$4,685,225
P	GRF	200478	Industry-Recognized Credentials High School Students	$16,000,000	$16,000,000
Q	GRF	200502	Pupil Transportation	$877,335,414	$955,629,701
R	GRF	200505	School Meal Programs	$13,163,000	$13,163,000
S	GRF	200511	Auxiliary Services	$170,292,963	$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	$76,935,110	$77,824,960
U	GRF	200540	Special Education Enhancements	$193,272,426	$193,272,426

V	GRF	200545	Career-Technical Education Enhancements	$29,988,000	$29,988,000
W	GRF	200550	Foundation Funding - All Students	$8,424,986,974	$8,517,447,875
X	GRF	200566	Literacy Improvement	$4,472,674	$4,617,596
Y	GRF	200572	Adult Education Programs	$9,848,399	$9,866,137
Z	GRF	200574	Half-Mill Maintenance Equalization	$8,559,640	$8,203,450
AA	GRF	200576	Adaptive Sports Program	$500,000	$500,000
AB	GRF	657401	Medicaid in Schools	$349,925	$358,362
AC	General Revenue Fund Total			$9,966,323,815	$10,141,516,163
AD	Dedicated Purpose Fund Group				
AE	4520	200638	Charges and Reimbursements	$1,500,000	$1,500,000
AF	5980	200659	Auxiliary Services Reimbursement	$650,000	$650,000
AG	5H30	200687	School District Solvency Assistance	$2,000,000	$2,000,000
AH	5KX0	200691	Ohio School Sponsorship Program	$1,900,000	$1,900,000
AI	5MM0	200677	Child Nutrition Refunds	$550,000	$550,000

AJ	5U20	200685	National Education Statistics	$185,000	$185,000
AK	5VS0	200604	Foundation Funding - All Students	$600,000,000	$600,000,000
AL	5YO0	200491	Public and Nonpublic Education Support	$171,200,000	$171,200,000
AM	6200	200615	Educational Improvement Grants	$600,000	$600,000
AN	Dedicated Purpose Fund Group Total			$778,585,000	$778,585,000
AO	Internal Service Activity Fund Group				
AP	1380	200606	Information Technology Development and Support	$18,394,387	$18,597,721
AQ	4R70	200695	Indirect Operational Support	$9,944,311	$10,166,435
AR	4V70	200633	Interagency Program Support	$3,000,000	$3,000,000
AS	Internal Service Activity Fund Group Total			$31,338,698	$31,764,156
AT	State Lottery Fund Group				
AU	7017	200413	School Bus Safety	$30,000,000	$0
AV	7017	200612	Foundation Funding - All Students	$1,338,945,000	$1,338,945,000

AW	7017	200614	Accelerate Great Schools	$1,500,000	$1,500,000
AX	7017	200631	Quality Community and Independent STEM Schools Support	$136,500,000	$136,500,000
AY	7017	200684	Community School Facilities	$133,155,000	$133,155,000
AZ	7017	2006A7	Literacy Coaches	$12,000,000	$12,000,000
BA	State Lottery Fund Group Total			$1,652,100,000	$1,622,100,000
BB	Federal Fund Group				
BC	3670	200607	School Food Services	$13,379,350	$13,379,350
BD	3700	200624	Education of Exceptional Children	$1,750,000	$1,750,000
BE	3AF0	657601	Schools Medicaid Administrative Claims	$150,000	$150,000
BF	3EH0	200620	Migrant Education	$1,700,000	$1,700,000
BG	3EJ0	200622	Homeless Children Education	$4,823,000	$5,112,380
BH	3GE0	200674	Summer Food Service Program	$23,000,000	$23,000,000
BI	3GG0	200676	Fresh Fruit and Vegetable Program	$5,500,000	$6,000,000
BJ	3HF0	200649	Federal Education Grants	$5,000,000	$5,000,000

BK	3HI0	200634	Student Support and Academic Enrichment	$54,131,000	$50,604,930
BL	3HL0	200678	Comprehensive Literacy State Development Program	$14,630,000	$14,630,000
BM	3L60	200617	Federal School Lunch	$565,999,000	$595,000,000
BN	3L70	200618	Federal School Breakfast	$195,000,000	$205,000,000
BO	3L80	200619	Child/Adult Food Programs	$116,000,000	$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	$56,680,000	$58,947,200
BQ	3M00	200623	ESEA Title 1A	$677,740,000	$698,072,200
BR	3M20	200680	Individuals with Disabilities Education Act	$530,400,000	$541,008,000
BS	3Y20	200688	21st Century Community Learning Centers	$47,940,000	$48,898,800
BT	3Y60	200635	Improving Teacher Quality	$77,157,900	$78,701,058
BU	3Y70	200689	English Language Acquisition	$13,728,000	$14,277,120
BV	3Y80	200639	Rural and Low Income Technical Assistance	$3,300,000	$3,300,000
BW	3Z20	200690	State Assessments	$11,500,000	$11,500,000
BX	3Z30	200645	Consolidated Federal	$15,000,000	$15,000,000

Grant Administration		
BY Federal Fund Group Total	$2,434,508,250	$2,509,031,038
BZ TOTAL ALL BUDGET FUND GROUPS	$14,862,855,763	$15,082,996,357

Section 265.20. CAREER-TECHNICAL EDUCATION

A portion of the foregoing appropriation item 200416, Career-Technical Education, shall be used by the Department of Education and Workforce to provide matching funds related to career-technical education under 20 U.S.C. 2321.

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education and Workforce. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.40. SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management

Assistance, shall be used by the Department of Education and Workforce to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 265.50. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education and Workforce to support a system of administrative and statistical education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings regarding current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education and Workforce to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $8,425,500 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school established under Chapter 3328. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio State School for the Blind, high schools chartered by the Ohio Department of Youth Services, or high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $6,305,000 in each fiscal year shall be used, through a formula and guidelines devised by the Department, to support the activities of designated information technology centers, as defined by Department of Education and Workforce rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to ensure

the effective operation of local automated administrative and instructional systems, and to monitor and support the quality of data submitted to the Department.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $1,650,000 in each fiscal year shall be used by the Department to support cybersecurity initiatives led by the Management Council of the Ohio Computer Education Network in public and nonpublic schools. Efforts may include, but shall not be limited to, vulnerability management, security awareness training, multifactor authentication, and endpoint detection and response capabilities. In determining the specific cybersecurity programs and initiatives the foregoing appropriation item will support, the Department shall consult with the Governor's Cybersecurity Strategic Advisor.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information systems as well as the teacher student linkage/roster verification process and systems to support electronic sharing of student records and transcripts between entities. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

Section 265.70. ACADEMIC STANDARDS

Of the foregoing appropriation item 200427, Academic Standards, up to $1,000,000 in fiscal year 2026 shall be used to contract with experts in civics education and social studies to develop an integrated model curriculum that includes English language arts, social studies, and civics education. The model curriculum shall include support for content, instruction, and assessment.

Of the foregoing appropriation item 200427, Academic Standards, up to $500,000 in fiscal year 2027 shall be used to develop and deploy professional learning for successful implementation of the integrated model curriculum to be delivered through the learning management system and regional partners.

The remainder of the foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education and Workforce to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curricula.

Section 265.80. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to $622,713 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement and College-Level Examination Program tests for low-income students, as determined by the Department. If the funds provided by the Department through this set-aside and federal funds are not sufficient to cover the costs of Advanced Placement, College-Level Examination, and International Baccalaureate tests for low-income students, school districts and other public schools shall pay the remainder of the costs

using other funds.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code and to support readiness assessments for students in grades three and higher that assist districts and schools with identifying and benchmarking student progress.

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT

In fiscal year 2026 and fiscal year 2027, if the Director of Education and Workforce determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Director may recommend to the Director of Budget and Management the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education and Workforce to appropriation item 200437, Student Assessment. If the Director of Budget and Management determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education and Workforce as necessary to appropriation item 200437, Student Assessment.

Section 265.90. ACCOUNTABILITY/REPORT CARDS

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year shall be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness.

The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department of Education and Workforce to incorporate a statewide value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards, funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code, the development and maintenance of teacher value-added reports, the teacher student linkage/roster verification process, and the performance management section of the Department's web site required by section 3302.26 of the Revised Code.

Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200446, Education Management Information System, shall be used by the Department of Education and Workforce to maintain and improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200446, Education Management Information System, up to $405,000 in each fiscal

year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

Of the foregoing appropriation item 200446, Education Management Information System, up to $950,000 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Director of Education and Workforce, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION

(A) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to $5,000,000 in each fiscal year shall be used by the Department of Education and Workforce to support the Principal Apprenticeship Program established under section 3319.271 of the Revised Code. Notwithstanding any provision of law to the contrary, awards under this division may be used by recipients for award-related expenses according to guidelines established by the Department of Education and

Workforce.

(B) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to $1,612,500 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which may do all of the following:

(1) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(2) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code or advancing to the professional license pursuant to section 3319.22 of the Revised Code;

(3) Provide funds to public schools, educational service centers, and county boards of developmental disabilities to support activities to recruit eligible military individuals to work in public schools and support bonuses to public schools that hire eligible military individuals;

(4) Reimburse public schools, educational service centers, and county boards of developmental disabilities that pay financial bonuses to eligible military individuals who complete at least one year of employment with the school;

(5) In consultation with the Department of Veterans Services, establish and support the Governor's Ohio Military

Veteran Educators Fellowship Pilot Program to recruit and train eligible military individuals to become licensed to teach in low-performing public schools.

(C) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to $350,993 in fiscal year 2026 and up to $364,254 in fiscal year 2027 may be used by the Department of Education and Workforce to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

(D) Of the foregoing appropriation item 200448, Educator and Principal Preparation, $2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to support the ongoing development and impact of Teach for America alumni working in Ohio.

(E) Of the foregoing appropriation item 200448, Educator and Principal Preparation, $200,000 in each fiscal year shall be used to support selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(F) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for a period not to exceed two years from the date of the award.

Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education and Workforce for the oversight and support of community schools

established under Chapter 3314. of the Revised Code, community school sponsors, and nonpublic schools; and the administration of school choice programs. The funds may be used to support the sponsor evaluation system in accordance with section 3314.016 of the Revised Code.

Section 265.130. EDUCATION TECHNOLOGY RESOURCES

(A) Of the foregoing appropriation item 200465, Education Technology Resources, up to $2,500,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools and resources in support of Ohio's Plan to Raise Literacy Achievement. The Department of Education and Workforce shall consider coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

(B) Of the foregoing appropriation item 200465, Education Technology Resources, up to $1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, with an emphasis in both literacy and mathematics, based on a formula developed in consultation with Ohio's educational television stations and educational technology centers.

(C) The remainder of the foregoing appropriation item

200465, Education Technology Resources, may be used to support training, technical support, guidance, and assistance with compliance reporting to school districts and public libraries applying for federal E-Rate funds; for oversight and guidance of school district technology plans; for support to district technology personnel; and for support of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems.

Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL STUDENTS

City, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts shall inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The educating entity shall pay for the cost of the credential.

The foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, shall be used by the Department of Education and Workforce and the Governor's Office of Workforce Transformation to operate the Innovative Workforce Incentive Program. The Office of Workforce Transformation shall maintain a list of credentials that qualify for the program. The Department of Education and Workforce shall pay each city, local, and exempted village school district, community school, STEM school, and joint vocational school district an amount equal to $725 for each qualifying credential a student attending the district or school earned in the school year preceding the fiscal year in which the funds are appropriated. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate

amount appropriated is not exceeded.

Section 265.150. PUPIL TRANSPORTATION

Of the foregoing appropriation item 200502, Pupil Transportation, up to $1,088,930 in fiscal year 2026 and up to $4,988,930 in fiscal year 2027 may be used by the Department of Education and Workforce for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department under section 3327.101 of the Revised Code and to expand access to advanced driver training for school bus drivers. A portion of these funds may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database.

Of the foregoing appropriation item 200502, Pupil Transportation, up to $176,897,678 in fiscal year 2026 and up to $194,820,866 in fiscal year 2027 may be used by the Department for special education transportation reimbursements to school districts, educational service centers, and county boards of developmental disabilities for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code.

The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to distribute the amounts calculated for transportation aid under divisions (E), (F), (G), (H), and (I) of section 3317.0212, and division (A)(2) of section 3317.019 of the Revised Code.

PAYMENTS IN LIEU OF TRANSPORTATION

For purposes of division (D) of section 3327.02 of the Revised Code, if a parent, guardian, or other person in charge of a pupil accepts an offer from a school district of payment in

lieu of providing transportation for the pupil, the school district shall pay that parent, guardian, or other person an amount not less than fifty per cent and not more than the amount determined by the Department under division (C) of section 3317.0212 of the Revised Code for the most recent school year for which data is available. Payment may be prorated if the time period involved is only a part of the school year.

Section 265.160. SCHOOL MEAL PROGRAMS

(A) The foregoing appropriation item 200505, School Meal Programs, shall be used to support the reimbursements required by section 3301.91 of the Revised Code and provide matching funds to obtain federal funds for the school lunch program.

(B) Any remaining appropriation after providing matching funds for the school lunch program may be used to do the following:

(1) Partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department;

(2) Support the Summer EBT Program in coordination with the Department of Job and Family Services.

Section 265.170. AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary Services, up to $2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education and Workforce shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of

the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department to make payments under division (E) of section 3317.024 of the Revised Code to implement sections 3317.06 and 3317.062 of the Revised Code. Notwithstanding any provision of law to the contrary, for fiscal year 2026, school districts or chartered nonpublic schools may use the auxiliary services funding provided under division (E) of section 3317.024 of the Revised Code to provide diagnostic or therapeutic mental health services to students enrolled in chartered nonpublic schools at any time during the fiscal year.

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education and Workforce for the purpose of implementing section 3317.063 of the Revised Code. Payments made by the Department for this purpose shall not exceed four hundred seventy-five dollars per student for each school year.

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $33,945,594 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education and Workforce shall proportionately reduce the amount calculated for

each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $1,000,000 in each fiscal year shall be used by the Department of Education and Workforce to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall include, but not be limited to, job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, workplace readiness training to develop occupational skills, social skills and independent living skills, and instruction in self-advocacy. Regional training shall support the expansion of transition to work endorsement opportunities for middle school and secondary level special education intervention specialists in order to develop the necessary skills and competencies to meet the secondary transition needs of students with disabilities beginning at

fourteen years of age.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education and Workforce to school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code.

The Department may reimburse school districts and institutions for services provided by instructional assistants, related services, as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code, and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department shall require school districts, educational service centers, county boards of developmental disabilities, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality Program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be

determined by the Department. All programs shall be rated through the Step Up to Quality Program.

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $16,325,000 in each fiscal year shall be used to pay career awareness and exploration funds pursuant to division (E) of section 3317.014 of the Revised Code. If the amount appropriated is not sufficient, the Department of Education and Workforce shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,563,000 in each fiscal year shall be used to fund secondary career-technical education at institutions and Ohio Deaf and Blind Education Services using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $9,600,000 in each fiscal year shall be used by the Department to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall be used to directly support career services provided to students enrolled in community schools, STEM schools, school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $600,000 in each fiscal

year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $650,000 in each fiscal year may be used to support career planning and reporting through the OhioMeansJobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, $250,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education and Workforce, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation

Funding - All Students, up to $5,733,404 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $49,152,105 in fiscal year 2026 and up to $51,023,465 in fiscal year 2027 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $3,500,000 in each fiscal year shall be distributed to educational service centers for school improvement initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $7,000,000 in each fiscal year shall be reserved for payments under the section of this act entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is not sufficient, the Director of Education and Workforce may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding - All Students, is not exceeded.

Of the foregoing appropriation item 200550, Foundation

Funding - All Students, up to $12,400,000 in fiscal year 2026 and up to $12,800,000 in fiscal year 2027 shall be used to support the administration of state scholarship programs.

Of the foregoing appropriation item 200550, Foundation Funding – All Students, up to $1,000,000 in each fiscal year shall be distributed to the Cleveland Municipal School District to provide tutorial assistance as provided in division (B) of section 3313.979 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $3,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with sections 3317.16 and 3317.162 of the Revised Code and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $1,000,000 in each fiscal year may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $1,500,000 in each fiscal year shall be distributed to the Ohio STEM Learning Network to support the expansion of free STEM programming aligned to Ohio's STEM priorities, to create regional STEM supports targeting underserved student populations, and to support the Ohio STEM Committee's STEM school designation process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $1,500,000 in each fiscal year shall be used by the Department to support the Stay in the Game! Network and efforts to reduce chronic absenteeism.

The remainder of the foregoing appropriation item 200550, Foundation Funding - All Students, shall be used to distribute the amounts calculated for formula aid under division (A)(1) of section 3317.019, sections 3317.022 and 3317.22 of the Revised Code, and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Appropriation items 200502, Pupil Transportation, and 200550, Foundation Funding - All Students, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, joint vocational school districts, and state scholarship programs under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other General Revenue Fund appropriation items in the Department of Education and Workforce's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Director of Education and Workforce shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Director of Education and Workforce shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Director, until at least the effective date of the amendments and enactments made to Title XXXIII of the Revised Code by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII of the Revised Code in this act are effective. Upon the effective date of changes made to Title XXXIII of the

Revised Code in this act, funds shall be calculated as an annual amount.

Section 265.220. PHASE-IN PERCENTAGES

For purposes of division (X)(1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2026 shall be 83.33 per cent and the general phase-in percentage for fiscal year 2027 shall be 100 per cent.

For purposes of division (X)(2) of section 3317.02 of the Revised Code, the General Assembly has determined that the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2026 shall be 83.33 per cent and the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2027 shall be 100 per cent.

Section 265.230. FORMULA TRANSITION SUPPLEMENT

(A)(1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each city, local, and exempted village school district according to the following formula:

(The district's funding base for fiscal year 2021 X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.019, 3317.022, and 3317.0212 of the Revised Code)

If the computation made under division (A)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (A)(1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General

Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021 X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B)(1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D)(1) and (2) of section 3313.981 of the Revised

Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under section 3317.163 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(C)(1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each community school established under Chapter 3314. of the Revised Code according to the following formula:

[{(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027} - (the sum of the school's payments under sections 3317.022 and 3317.0212 of the Revised Code for the fiscal year for which the supplement is calculated / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021,

before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(D)(1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

[{(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027} - (the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the

school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

Section 265.240. POWER PLANT VALUATION ADJUSTMENT

(A)(1) On or before May 15, 2026, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2024.

(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and Workforce and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2025;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2025;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the

greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.

(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.

(B)(1) On or before May 15, 2027, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2026 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2026 was less than the taxable value of such property during tax year 2025.

(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and Workforce and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2026;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2026;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (B)(2)(b) of this section.

(b) The absolute value of the amount certified under

division (B)(2)(b) of this section X 0.50.

(C) The Department of Education and Workforce shall make payments under division (A)(3) of this section between June 1, 2026, and June 30, 2026, and the Department shall make payments under division (B)(3) of this section between June 1, 2027, and June 30, 2027. The Department shall not calculate or make payments under section 3317.028 of the Revised Code for fiscal years 2026 and 2027.

Section 265.250. LITERACY IMPROVEMENT

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education and Workforce to support literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds may be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

LITERACY COACHES

The foregoing appropriation item 2006A7, Literacy Coaches, shall be used for coaches to provide literacy supports to school districts, community schools, and STEM schools with the lowest rates of proficiency in literacy based on their performance on the English language arts assessments prescribed under section 3301.0710 of the Revised Code. The coaches shall have training in the science of reading and evidence-based strategies for effective literacy instruction and intervention and shall implement Ohio's Coaching Model, as described in Ohio's Plan to

Raise Literacy Achievement. The coaches shall be under the direction of the Department but shall not be employed by the Department.

Section 265.260. ADULT EDUCATION PROGRAMS

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used to make payments under sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as reenacted by this act.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education and Workforce for the first time for application fees, examination fees, or both, in excess of $40, up to a maximum reimbursement per individual of $80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used to reimburse the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of the foregoing appropriation item 200572, Adult Education Programs, at the end of each fiscal year may be

encumbered by the Department of Education and Workforce and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Director of Education and Workforce.

A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education and Workforce.

Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education and Workforce, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state and for intercollegiate adaptive athletics programs that provide opportunities for competitive wheelchair and adaptive sports to postsecondary students with disabilities.

Section 265.280. MEDICAID IN SCHOOLS PROGRAM

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education and Workforce to support the Medicaid in Schools Program.

Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Director of Education and Workforce. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Director of Education and Workforce, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education and Workforce, the Lottery Profits Education Reserve Fund (Fund 7018), or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2026 and 2027. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

Section 265.300. FOUNDATION FUNDING - ALL STUDENTS

The foregoing appropriation item 200604, Foundation Funding - All Students, shall be used in conjunction with

appropriation items 200550, Foundation Funding - All Students, and 200612, Foundation Funding - All Students, to distribute the amounts calculated for disadvantaged pupil impact aid under sections 3317.022 and 3317.16 of the Revised Code and the portions of the state share of the base cost calculated under those sections that are attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department of Education and Workforce.

Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT

The foregoing appropriation item 200491, Public and Nonpublic Education Support, shall be used in conjunction with appropriation item 200550, Foundation Funding – All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

Section 265.320. SCHOOL BUS SAFETY

(A) The foregoing appropriation item 200413, School Bus Safety, shall be used to support a school bus safety grant program, as recommended by the Governor's School Bus Safety Working Group, and in accordance with guidelines established by the Department of Education and Workforce. The specific safety features shall be informed by the Governor's School Bus Safety Working Group report and in consultation with the Department of Public Safety.

(B) The Department shall create an application for eligible applicants. Eligible applicants may apply for funds in a manner prescribed by the Department. The Department shall collect information with respect to the total amount of funding requested, the number of school buses impacted, and the specific safety enhancements for which each eligible applicant seeks

funds. In determining grant allocations, the Department shall apply a measure of local capacity. The Department may also apply minimum or maximum funding amounts.

(C) Eligible applicants shall use school bus safety grant funds only for repair, replacement, or addition of school bus safety features to school buses in active service or for safety enhancements to the purchase of a new school bus. Eligible applicants shall not use funds to enhance buses not owned by the eligible applicant.

(D) As used in this section, "eligible applicant" means any of the following that provides transportation services:

(1) A city, local, exempted village, or joint vocational school district;

(2) A community school established under Chapter 3314. of the Revised Code;

(3) A STEM school established under Chapter 3326. of the Revised Code;

(4) A county board of developmental disabilities;

(5) A chartered nonpublic school.

Section 265.330. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education and Workforce, with the approval of the Director of Budget and Management, shall

determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

Section 265.340. ACCELERATE GREAT SCHOOLS

The foregoing appropriation item 200614, Accelerate Great Schools, shall be used by the Department of Education and Workforce to support the Accelerate Great Schools public-private partnership.

Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM SCHOOLS SUPPORT

The foregoing appropriation item 200631, Quality Community and Independent STEM Schools Support, shall be used to distribute the amounts calculated under sections 3317.27 and 3317.29 of the Revised Code for the Quality Community School Support and the Quality Independent STEM School Support programs. If the amount appropriated is not sufficient to pay the amounts calculated pursuant to this section, the Director of Education and Workforce may request the Controlling Board to authorize expenditures in excess of the amounts appropriated. Upon approval by the Controlling Board, the additional amounts are hereby appropriated to appropriation item 200631, Quality Community and Independent STEM Schools Support.

Section 265.360. COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to distribute the amounts calculated under section 3317.31 of the Revised Code for assistance with

the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2026 and fiscal year 2027.

(C) On July 15, 2025, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,440,000,000 in fiscal year 2025.

(D) On July 15, 2026, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,462,000,000 in fiscal year 2026.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2026 and fiscal year 2027, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 265.380. Notwithstanding division (C) of Section 265.355 of H.B. 110 of the 134th General Assembly and any other

provision of law to the contrary, the Department of Education and Workforce shall use the funds authorized under Title II, Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, as necessary to support the After school Child Enrichment (ACE) Educational Savings Account Program pursuant to section 3310.70 of the Revised Code in fiscal year 2026. Notwithstanding division (C)(1) of section 3310.70 of the Revised Code, the Department may extend the contract with the vendor administering the program as of the effective date of this amendment through fiscal year 2026 and may pay the vendor more than three per cent of the amount appropriated for the program for fiscal year 2026.

Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

The General Assembly intends for the Director of Education and Workforce to provide for school district participation in the administration of the National Assessment of Educational Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Director shall participate.

Section 265.400. EARMARK ACCOUNTABILITY

At the request of the Director of Education and Workforce, any entity that receives a budget earmark under the Department of Education and Workforce shall submit annually to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be

provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

Section 265.420. USE OF VOLUNTEERS

The Department of Education and Workforce may utilize the services of volunteers to accomplish any of the purposes of the Department. The Director of Education and Workforce shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Director may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district,

educational service center, or county board of developmental disabilities that receives allocations from the Department of Education and Workforce from appropriation item 200550, Foundation Funding - All Students, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 265.440. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2026 or fiscal year 2027 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education

program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education and Workforce. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2026 and fiscal year 2027

to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2026 and fiscal year 2027 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2026 and 2027, the Department of Education and Workforce shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible.

(F) The Department of Education and Workforce shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

Section 265.450. Notwithstanding anything to the contrary in section 3317.011 of the Revised Code, for fiscal years 2026

and 2027, the Department of Education and Workforce shall do all of the following:

(A) Calculate a school district's academic co-curricular activities cost under division (E)(4) of that section using the sum of the enrolled ADM of every school district that reported the data specified in division (E)(4)(a) of that section;

(B) Calculate a district's supplies and academic content cost under division (E)(6) of that section using the sum of the enrolled ADM of every school district that reported the data specified in division (E)(6)(a) of that section;

(C) Calculate a district's athletic co-curricular activities base cost under division (H) of that section using the sum of the enrolled ADM of every school district that reported the data specified in division (H)(2) of that section;

(D) Calculate a district's building operations cost under division (G)(3) of that section using the sum of the enrolled ADM of every city, local, and exempted village school district that reported the data specified in divisions (G)(3)(a)(i) and (ii) of that section.

Section 265.550. Notwithstanding anything in section 3302.03 of the Revised Code to the contrary, for the state report card issued under that section for the 2024-2025 school year, the Department of Education and Workforce shall do both of the following:

(A) Report only the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component prescribed in division (D)(3)(f) of that section;

(B) Assign an overall performance rating in accordance

with division (D)(3)(g)(i) of that section.

Section 267.10.

	1	2	3	4	5
A			ELC OHIO ELECTIONS COMMISSION		
B	General Revenue Fund				
C	GRF	051321	Operating Expenses	$587,000	$659,500
D	General Revenue Fund Total			$587,000	$659,500
E	Dedicated Purpose Fund Group				
F	4P20	051601	Operating Support	$225,600	$225,600
G	Dedicated Purpose Fund Group Total			$225,600	$225,600
H	TOTAL ALL BUDGET FUND GROUPS			$812,600	$885,100

Section 269.10.

	1	2	3	4	5
A			FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS		
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	$250,000	$250,000
D	General Revenue Fund Total			$250,000	$250,000
E	Dedicated Purpose Fund Group				

F	4K90	881609	Operating Expenses	$1,156,000	$1,213,000
G	Dedicated Purpose Fund Group Total			$1,156,000	$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS			$1,406,000	$1,463,000

Section 271.10. 105917
105918

1	2	3	4	5
A		PAY EMPLOYEE BENEFITS FUNDS		
B	Fiduciary Fund Group			
C	1240	995673	Payroll Deductions	$1,017,970,800	$1,048,509,924
D	8050	995675	Commuter Benefits	$1,845,860	$1,967,540
E	8060	995666	Accrued Leave Fund	$128,408,784	$132,260,611
F	8070	995667	Disability Fund	$27,805,294	$28,337,915
G	8080	995668	State Employee Health Benefit Fund	$1,068,647,159	$1,132,765,988
H	8090	995669	Dependent Care Spending Account	$2,996,802	$3,196,895
I	8100	995670	Life Insurance Investment Fund	$2,644,330	$2,723,060
J	8110	995671	Parental Leave Benefit Fund	$18,601,000	$19,159,030
K	8130	995672	Health Care Spending	$19,690,922	$20,694,694

	Account		
L	Fiduciary Fund Group Total	$2,288,610,951	$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	$2,288,610,951	$2,389,615,657

Section 271.20. PAYROLL DEDUCTION FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

ACCRUED LEAVE LIABILITY FUND

The foregoing appropriation item 995666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee

Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to sections 124.136 and 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for nonreimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

COMMUTER BENEFITS

The foregoing appropriation item 995675, Commuter Benefits, shall be used to make payments from the Commuter Benefits Fund (Fund 8050) for employees who elect to participate in the Commuter Benefits Program. If the Director of Budget and Management determines that additional amounts are necessary, the amounts are hereby appropriated.

Section 273.10.

1	2	3	4	5
A		ERB STATE EMPLOYMENT RELATIONS BOARD		
B	General Revenue Fund			
C	GRF	125321 Operating Expenses	$4,533,029	$4,655,023
D	General Revenue Fund Total		$4,533,029	$4,655,023
E	Dedicated Purpose Fund Group			
F	5720	125603 Training and Publications	$138,000	$138,972

G	Dedicated Purpose Fund Group Total		$138,000	$138,972	
H	TOTAL ALL BUDGET FUND GROUPS		$4,671,029	$4,793,995	

Section 275.10. 105989
105990

1	2	3	4	5	
A	ENG	STATE BOARD OF ENGINEERS AND SURVEYORS			
B	Dedicated Purpose Fund Group				
C	4K90	892609 Operating Expenses	$1,378,866	$1,465,930	
D	Dedicated Purpose Fund Group Total		$1,378,866	$1,465,930	
E	TOTAL ALL BUDGET FUND GROUPS		$1,378,866	$1,465,930	

Section 277.10. 105991
105992

1	2	3	4	5	
A	EPA	ENVIRONMENTAL PROTECTION AGENCY			
B	General Revenue Fund				
C	GRF	715407 Water Systems Cybersecurity Grants	$2,000,000	$6,000,000	
D	GRF	715502 Auto Emissions E-Check Program	$13,232,534	$13,265,775	
E	General Revenue Fund Total		$15,232,534	$19,265,775	
F	Dedicated Purpose Fund Group				

G	4D50	715618	Recycled State Materials	$11,500	$11,500
H	4J00	715638	Underground Injection Control	$514,242	$530,276
I	4K20	715648	Clean Air - Non Title V	$4,516,349	$4,593,901
J	4K30	715649	Solid Waste	$14,791,311	$15,098,763
K	4K40	715650	Surface Water Protection	$11,864,197	$12,101,940
L	4K50	715651	Drinking Water Protection	$8,774,797	$9,027,993
M	4P50	715654	Cozart Landfill	$7,500	$7,500
N	4R50	715656	Scrap Tire Management	$3,558,044	$3,581,336
O	4R90	715658	Voluntary Action Program	$1,188,026	$1,217,345
P	4T30	715659	Clean Air - Title V Permit Program	$10,942,818	$11,148,464
Q	5000	715608	Immediate Removal Special Account	$747,051	$769,463
R	5030	715621	Hazardous Waste Facility Management	$2,788,523	$2,842,749
S	5050	715623	Hazardous Waste Cleanup	$9,334,680	$9,559,074
T	5050	715698	Response and Investigations	$3,822,060	$4,211,500
U	5320	715646	Recycling and Litter Control	$4,888,354	$5,146,276

V	5410	715670	Site Specific Cleanup	$17,744,091	$17,746,631
W	5420	715671	Risk Management Reporting	$144,047	$147,307
X	5860	715637	Scrap Tire Market Development	$1,000,000	$1,000,000
Y	5BC0	715622	Local Air Pollution Control	$2,100,000	$2,100,000
Z	5BC0	715624	Surface Water	$6,936,269	$6,936,269
AA	5BC0	715672	Air Pollution Control	$9,354,059	$9,354,059
AB	5BC0	715673	Drinking and Ground Water	$4,024,215	$4,133,956
AC	5BC0	715676	Assistance and Prevention	$4,204,000	$4,359,000
AD	5BC0	715677	Laboratory	$4,235,216	$4,360,265
AE	5BC0	715678	Corrective Actions	$1,271,429	$1,271,429
AF	5BC0	715687	Areawide Planning Agencies	$450,000	$450,000
AG	5BC0	715692	Administration	$19,684,900	$20,654,900
AH	5BC0	715694	Environmental Resource Coordination	$814,339	$832,027
AI	5BT0	715679	C&DD Groundwater Monitoring	$50,000	$50,000
AJ	5PZ0	715696	Drinking Water Loan Fee	$4,109,640	$4,388,600

AK	5Y30	715685	Surface Water Improvement	$520,000	$520,000
AL	5YY0	715405	National Priorities List Remedial Support Fund	$1,500,000	$1,000,000
AM	6440	715631	Emergency Response Radiological Safety	$274,997	$280,510
AN	6760	715642	Water Pollution Control Loan Administration	$5,120,000	$5,282,500
AO	6760	715699	Water Quality Administration	$5,123,741	$5,250,489
AP	6790	715636	Emergency Planning	$2,917,000	$2,917,000
AQ	6960	715643	Air Pollution Control Administration	$150,000	$150,000
AR	6990	715644	Water Pollution Control Administration	$307,859	$307,858
AS	6A10	715645	Environmental Education	$550,316	$550,427
AT	6H20	715695	H2Ohio	$27,537,015	$27,537,015
AU	Dedicated Purpose Fund Group Total			$197,872,585	$201,428,322
AV	Internal Service Activity Fund Group				
AW	1990	715602	Laboratory Services	$500,000	$500,000
AX	2190	715604	Central Support Indirect	$10,657,300	$10,657,300
AY	4A10	715640	Operating Expenses	$1,092,000	$1,117,000

AZ	Internal Service Activity Fund Group Total			$12,249,300	$12,274,300
BA	Federal Fund Group				
BB	3530	715612	Public Water Supply	$2,564,882	$2,626,504
BC	3570	715619	Air Pollution Control - Federal	$6,806,147	$6,929,318
BD	3620	715605	Underground Injection Control - Federal	$165,382	$169,516
BE	3BU0	715684	Water Quality Protection	$16,230,503	$16,230,503
BF	3CS0	715688	Federal NRD Settlements	$1,500,000	$1,500,000
BG	3F30	715632	Federally Supported Cleanup and Response	$13,779,323	$14,061,350
BH	3HE0	715697	Volkswagen Clean Air Act Settlement	$6,827,000	$6,841,000
BI	3T30	715669	Drinking Water State Revolving Fund	$3,054,165	$3,145,894
BJ	3V70	715606	Agencywide Grants	$746,900	$746,900
BK	Federal Fund Group Total			$51,674,302	$52,250,985
BL	TOTAL ALL BUDGET FUND GROUPS			$277,028,721	$285,219,382

Section 277.20. AREAWIDE PLANNING AGENCIES 105993

The Director of Environmental Protection may award grants 105994

from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

AUTOMOBILE EMISSION TESTING PROGRAM

The foregoing appropriation item GRF 715502, Auto Emissions E-Check Program, shall be used by the Environmental Protection Agency to support the automobile emission testing program. On July 1, 2025, or as soon as possible thereafter, the Director of Environmental Protection may request that the Director of Administrative Services extend the contract with the vendor operating in accordance with division (A)(1) of section 3704.14 of the Revised Code for not longer than twelve months. The Director of Administrative Services may enter into a contract extension provided that the contract contains the same terms and no funds are paid for incomplete work, utilizing appropriation item GRF 715502, Auto Emissions E-Check Program, in the event that the contractor selected in accordance with division (A)(2) of section 3704.14 of the Revised Code cannot complete the required work prior to July 1, 2025.

Section 279.10.

1	2	3	4	5
A		EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION		
B	General Revenue Fund			
C	GRF	172321 Operating Expenses	$745,000	$795,000
D	General Revenue Fund Total		$745,000	$795,000

E	TOTAL ALL BUDGET FUND GROUPS			$745,000	$795,000

Section 281.10. 106017
106018

	1	2	3	4	5
A			ETC BROADCAST EDUCATIONAL MEDIA COMMISSION		
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	$402,000	$402,000
D	GRF	935402	Ohio Government Telecommunications Services	$2,344,400	$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	$3,909,000	$3,909,000
F	GRF	935430	Broadcast Education Operating	$4,324,706	$4,398,569
G	General Revenue Fund Total			$10,980,106	$11,053,969
H	Dedicated Purpose Fund Group				
I	5FK0	935608	Media Services	$50,000	$50,000
J	5VB0	935650	Facility Rental	$10,000	$10,000
K	Dedicated Purpose Fund Group Total			$60,000	$60,000
L	Internal Service Activity Fund Group				

M	4F30	935603	Affiliate Services	$4,200	$4,200
N	4T20	935605	Government Television/ Telecommunications Operating	$55,459	$0
O	Internal Service Activity Fund Group Total			$59,659	$4,200
P	TOTAL ALL BUDGET FUND GROUPS			$11,099,765	$11,118,169

Section 281.20. STATEHOUSE NEWS BUREAU

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content

Development, Acquisition, and Distribution, up to $965,000 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $2,650,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $294,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

Section 283.10.

1	2	3	4	5
A		ETH	OHIO ETHICS COMMISSION	

B	General Revenue Fund				
C	GRF	146321	Operating Expenses	$2,480,744	$2,603,142
D	General Revenue Fund Total			$2,480,744	$2,603,142
E	Dedicated Purpose Fund Group				
F	4M60	146601	Operating Support	$649,781	$670,793
G	Dedicated Purpose Fund Group Total			$649,781	$670,793
H	TOTAL ALL BUDGET FUND GROUPS			$3,130,525	$3,273,935

Section 285.10. 106064
106065

1	2	3	4	5
A		EXP OHIO EXPOSITIONS COMMISSION		
B	General Revenue Fund			
C	GRF	723403	Junior Fair Subsidy	$380,000	$380,000
D	General Revenue Fund Total			$380,000	$380,000
E	Dedicated Purpose Fund Group				
F	4N20	723602	Ohio State Fair Harness Racing	$350,000	$350,000
G	5060	723601	Operating Expenses	$20,000,000	$20,000,000
H	5060	723604	Grounds Maintenance and Repairs	$300,000	$300,000

I	Dedicated Purpose Fund Group Total	$20,650,000	$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS	$21,030,000	$21,030,000

Section 285.20.

STATE FAIR RESERVE

The General Manager of the Expositions Commission, in consultation with the Director of Budget and Management, may submit a request to the Controlling Board to use available amounts in the State Fair Reserve Fund (Fund 6400) if revenues from either the 2025 or the 2026 Ohio State Fair are unexpectedly low.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the General Manager of the Expositions Commission, may determine that the Ohio Expositions Fund (Fund 5060) has a cash balance in excess of the anticipated operating costs of the Exposition Commission in that fiscal year. Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

Section 287.10.

1	2	3	4	5
A		FCC OHIO FACILITIES CONSTRUCTION COMMISSION		
B	General Revenue Fund			
C	GRF	230321 Operating Expenses	$11,171,298	$11,442,393

D	GRF	230401	Cultural Facilities Lease Rental Bond Payments	$37,500,000	$37,500,000
E	GRF	230908	Common Schools General Obligation Bond Debt Service	$255,000,000	$230,000,000
F	General Revenue Fund Total			$303,671,298	$278,942,393
G	Internal Service Activity Fund Group				
H	1310	230639	State Construction Management Operations	$9,590,355	$10,233,822
I	Internal Service Activity Fund Group Total			$9,590,355	$10,233,822
J	TOTAL ALL BUDGET FUND GROUPS			$313,261,653	$289,176,215

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 230908, Common Schools

General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.03 of the Revised Code.

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within sixteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C230E2, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director

shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the project agreement between the Commission and a school district that is participating in the Accelerated Urban School Building Assistance Program as of September 29, 2018, if the Commission determines that it is necessary to do so in order to comply with division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 287.60. Notwithstanding any other provision of law to the contrary, the Ohio Facilities Construction Commission may determine the amount of funding available for disbursement in a given fiscal year for any project approved under sections 3318.01 to 3318.20 of the Revised Code in order to keep aggregate state capital spending within approved limits and may take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

Section 287.70. RETURNED OR RECOVERED FUNDS

Notwithstanding any provision of law to the contrary, any moneys a school district transfers to the Ohio Facilities Construction Commission under division (C)(2) or (3) of section 3318.12 of the Revised Code as well as any moneys recovered from settlements with or judgments against parties relating to their involvement in a classroom facilities project shall be deposited into the fund from which the capital appropriation for the

project was made. In any fiscal year in which the Commission has made a deposit under this section, the Executive Director of the Ohio Facilities Construction Commission may seek Controlling Board approval to increase appropriations from those funds and specified appropriation items in an amount equal to the amount of the funds deposited under this section. The additional amounts, if approved, shall be used in accordance with the purposes of Chapter 3318. of the Revised Code for projects pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon approval of the Controlling Board, the additional amounts are hereby appropriated.

Section 289.10.

1	2	3	4	5
A		GOV OFFICE OF THE GOVERNOR		
B	General Revenue Fund			
C	GRF	040321 Operating Expenses	$3,481,221	$3,580,624
D	General Revenue Fund Total		$3,481,221	$3,580,624
E	Internal Service Activity Fund Group			
F	5AK0	040607 Government Relations	$715,600	$734,442
G	Internal Service Activity Fund Group Total		$715,600	$734,442
H	TOTAL ALL BUDGET FUND GROUPS		$4,196,821	$4,315,066

Section 289.20.

OPERATING EXPENSES

On July 1, 2025, or as soon as possible thereafter, the Governor or the Governor's designee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 040321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated for fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Governor or the Governor's designee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 040321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated for fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

GOVERNMENT RELATIONS

The Office of the Governor may issue an intrastate transfer voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

Section 291.10.

A			DOH DEPARTMENT OF HEALTH		
B	General Revenue Fund				
C	GRF	440413	Local Health Department Support	$2,379,000	$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	$4,639,763	$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	$1,755,837	$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	$1,190,549	$1,199,779
G	GRF	440444	AIDS Prevention	$3,610,779	$3,623,351
H	GRF	440451	Public Health Laboratory	$3,893,355	$3,926,237
I	GRF	440452	Child and Family Health Services Match	$667,650	$683,513
J	GRF	440453	Health Care Quality Assurance	$6,868,538	$7,023,632
K	GRF	440454	Environmental Health/Radiation Protection	$5,404,349	$5,462,815
L	GRF	440465	FQHC Primary Care Workforce Initiative	$2,695,268	$2,698,697
M	GRF	440472	Alcohol Testing	$1,313,349	$1,338,992

N	GRF	440477	Emergency Preparation and Response	$2,453,355	$2,467,067
O	GRF	440481	Lupus Awareness	$250,000	$250,000
P	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	$8,000,000	$8,240,000
Q	GRF	440483	Infectious Disease Prevention and Control	$4,924,753	$4,988,016
R	GRF	440484	Public Health Technology Innovation	$1,409,147	$1,429,959
S	GRF	440485	Health Program Support	$14,625,000	$14,625,000
T	GRF	440495	Toxicology Screenings	$1,000,000	$1,000,000
U	GRF	440496	Children's Vision Services	$22,550,000	$17,420,000
V	GRF	440497	Children's Dental Services	$3,000,000	$3,000,000
W	GRF	440505	Children and Youth with Special Health Care Needs	$12,615,000	$12,615,000
X	GRF	440507	Targeted Healthcare Services - Over 21	$2,000,000	$2,000,000
Y	GRF	440527	Lead Abatement	$7,048,716	$7,067,052
Z	GRF	440530	Lead-Safe Home Fund	$1,000,000	$1,000,000

			Program		
AA	GRF	440672	Youth Homelessness	$2,504,474	$2,505,903
AB	GRF	654453	Medicaid – State Health Program Support	$4,478,896	$4,581,836
AC	General Revenue Fund Total			$122,277,778	$117,974,486
AD	Highway Safety Fund Group				
AE	4T40	440603	Child Highway Safety	$200,000	$200,000
AF	Highway Safety Fund Group Total			$200,000	$200,000
AG	Dedicated Purpose Fund Group				
AH	4700	440647	Fee Supported Programs	$32,650,000	$33,629,000
AI	4710	440619	Certificate of Need	$408,045	$408,045
AJ	4730	440622	Lab Operating Expenses	$8,985,000	$9,254,001
AK	4770	440627	Children and Youth with Special Health Care Needs Audit	$4,942,318	$4,973,075
AL	4D60	440608	Genetics Services	$3,316,583	$3,416,000
AM	4F90	440610	Sickle Cell Disease Control	$850,000	$850,000
AN	4G00	440636	Heirloom Birth Certificate	$15,000	$15,000

AO	4G00	440637	Birth Certificate Surcharge	$15,000	$15,000
AP	4L30	440609	HIV Care and Miscellaneous Expenses	$52,697,000	$52,697,000
AQ	4P40	440628	Ohio Physician Loan Repayment	$1,000,000	$1,000,000
AR	4V60	440641	Save Our Sight	$2,505,000	$2,580,000
AS	5B50	440616	Quality, Monitoring, and Inspection	$5,753,000	$5,925,000
AT	5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	$10,000,000	$10,000,000
AU	5D60	440620	Second Chance Trust	$1,892,541	$1,892,541
AV	5ED0	440651	Smoke Free Indoor Air	$280,000	$280,000
AW	5G40	440639	Adoption Services	$100,000	$100,000
AX	5PE0	440659	Breast and Cervical Cancer Services	$500,000	$500,000
AY	5QJ0	440662	Dental Hygienist Loan Repayments	$100,000	$100,000
AZ	5SH0	440520	Children's Wish Grant Program	$275,000	$275,000
BA	5YS0	440491	Chiropractic Loan	$30,000	$30,000

			Repayment		
BB	5Z70	440624	Ohio Dentist Loan Repayment	$275,000	$275,000
BC	6100	440626	Radiation Emergency Response	$1,551,682	$1,598,000
BD	6660	440607	Children and Youth with Special Health Care Needs - County Assessments	$24,060,000	$24,060,001
BE	6980	440634	Nurse Aide Training	$126,600	$126,600
BF	QG18	4406A1	Poison Control and Laboratory Testing	$9,990,000	$14,800,000
BG	Dedicated Purpose Fund Group Total			$162,317,769	$168,799,263
BH	Internal Service Activity Fund Group				
BI	1420	440646	Agency Health Services	$11,575,000	$11,575,000
BJ	2110	440613	Central Support Indirect Costs	$39,575,839	$40,763,000
BK	Internal Service Activity Fund Group Total			$51,150,839	$52,338,000
BL	Holding Account Fund Group				
BM	R014	440631	Vital Statistics	$155,000	$155,000
BN	R048	440625	Refunds, Grants Reconciliation, and Audit	$20,000	$20,000

			Settlements		
BO	Holding Account Fund Group Total			$175,000	$175,000
BP	Federal Fund Group				
BQ	3200	440601	Maternal Child Health Block Grant	$25,000,000	$25,750,000
BR	3870	440602	Preventive Health Block Grant	$11,800,000	$12,154,000
BS	3890	440604	Women, Infants, and Children	$250,000,000	$250,000,001
BT	3910	440606	Medicare Survey and Certification	$21,800,000	$22,454,000
BU	3920	440618	Federal Public Health Programs	$149,503,000	$153,988,000
BV	3GD0	654601	Medicaid Program Support	$41,186,077	$41,508,003
BW	3GN0	440660	Public Health Emergency Preparedness	$75,825,000	$78,099,000
BX	3HP0	440673	Public Health Emergency Response	$100,500,000	$100,500,000
BY	3HP0	440686	ELC Strengthening HAI/AR Grant	$10,000,000	$10,000,000
BZ	Federal Fund Group Total			$685,614,077	$694,453,004
CA	TOTAL ALL BUDGET FUND GROUPS			$1,021,735,463	$1,033,939,753

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to $200,000 in each fiscal year may be used to assist families with children who have hearing loss or hearing disorders under twenty-six years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

FREE CLINIC SAFETY NET SERVICES

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

AIDS PREVENTION

The foregoing appropriation item 440444, AIDS Prevention, shall be used to administer educational and other prevention

initiatives.

FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

EMERGENCY PREPARATION AND RESPONSE

The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts. This appropriation may also be used to support data infrastructure projects and other data analysis and analytics work.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program.

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, up to $1,000,000 in each fiscal year shall be used, in consultation with the Department of Behavioral Health and the Governor's RecoveryOhio

Initiative, to support the continuation of the Health Systems Comprehensive Care Initiative to enhance Ohio's response to the addiction crisis by creating a comprehensive system of care for patients who present in health systems with addiction.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, up to $250,000 in each fiscal year shall be used, in consultation with the Governor's RecoveryOhio Initiative, to support local health providers' harm reduction efforts to reduce overdose rates and deaths.

The remainder of appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, shall be used to support the Department of Health's ongoing health improvement and wellness efforts, health promotion, and related activities.

INFECTIOUS DISEASE PREVENTION AND CONTROL

On July 1, 2026, or as soon as possible thereafter, the Director of Health may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 440483, Infectious Disease Prevention and Control, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

HEALTH PROGRAM SUPPORT

Of the forgoing appropriation item 440485, Health Program Support, $10,000,000 in each fiscal year shall be used by the Department of Health, in consultation with the Department of Education and Workforce, to support school-based health centers in high-need counties, as determined by the departments.

Of the foregoing appropriation item 440485, Health Program Support, $1,000,000 in each fiscal year shall be distributed to Ohio organizations currently providing all of the following services: wraparound care, including multidisciplinary clinical care; local case management services by health care professionals; durable medical and augmentative communication devices; state and federal advocacy; and support groups and patient grants for those diagnosed with amyotrophic lateral sclerosis (ALS). The distribution of funds shall be based on each awarded organization's identified Ohio county coverage and by the prevalence rate of persons living with ALS using the most recent population estimates available from the United States Census Bureau. Funds shall be used to support persons living with ALS, including any of the followings: wraparound care, case management, purchase and distribution of durable medical equipment and augmentative communication devices, and patient grants for disease-related expenses. Funding is required to be designated in service to Ohioans and shall not be used for persons living outside of the state of Ohio.

Of the foregoing appropriation item 440485, Health Program Support, $125,000 in each fiscal year shall be provided to Ohio Adolescent Health Centers to support sexual risk avoidance programs in schools.

TOXICOLOGY SCREENINGS

The foregoing appropriation item 440495, Toxicology Screenings, shall be used to reimburse county coroners in counties in which the coroner has performed toxicology screenings on victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county.

CHILDREN'S VISION SERVICES

The foregoing appropriation item 440496, Children's Vision Services, shall be used to support the provision of vision care services as described in Section 291.30 of this act.

CHILDREN'S DENTAL SERVICES

The foregoing appropriation item 440497, Children's Dental Services, shall be used to support the provision of dental care services as described in Section 291.40 of this act.

TARGETED HEALTH CARE SERVICES-OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend up to $100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to do the following: cover services provided to adults over the age of twenty-one with Cystic Fibrosis who are eligible for treatment under the Cystic Fibrosis Program; provide essential medications; and pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Program for Children and Youth with Special Health Care Needs participants for the Cystic Fibrosis Program.

The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services-Over 21.

LEAD ABATEMENT

Of the foregoing appropriation item 440527, Lead Abatement, $500,000 in each fiscal year shall be used by the Department of Health to distribute funds to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.

LEAD-SAFE HOME FUND PROGRAM

The foregoing appropriation item 440530, Lead-Safe Home Fund Program, shall be used by the Department of Health to make distributions to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.

YOUTH HOMELESSNESS

The foregoing appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing.

FEE SUPPORTED PROGRAMS

Of the foregoing appropriation item 440647, Fee Supported Programs, $2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation.

Of the foregoing appropriation item 440647, Fee Supported Programs, $1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita

basis.

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT

The Children and Youth with Special Health Care Needs Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Program for Children and Youth with Special Health Care Needs recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of children and youth with special health care needs, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Program for Children and Youth with Special Health Care Needs.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, $1,000,000 in each fiscal year shall be used by the Director of Health, in consultation with the Director of Children and Youth, to award

funds to private, nonprofit, or government entities. The Directors shall determine how the funds are to be distributed, but shall prioritize awards to entities that serve women who reside in communities that have the highest infant mortality rates in this state, as identified under section 3701.142 of the Revised Code. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department of Health shall award grants to private, nonprofit, or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women.

The remainder of appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, shall be used to administer tobacco use prevention and cessation activities and programs, to administer compliance checks, retailer education, and programs related to legal age restrictions, and to enforce the Ohio Smoke-Free Workplace Act.

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS FUND TO THE TOBACCO USE PREVENTION FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to $20,000,000 cash from the Pre-Securitization Tobacco Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund 5BX0).

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Children and Youth with Special Health Care Needs - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

Section 291.30. OHIO STUDENT EYE EXAM PROGRAM

(A) The Department of Health shall establish and administer the Ohio Student Eye Exam Program, to be known as the OhioSEE Program. Under the program, vision care services, including vision screenings, eye examinations, and glasses, may be provided to Ohio students, kindergarten through third grade, who fail vision screenings and lack access to follow-up care.

(B) In administering the program, the Department shall focus on improving the percentage of vision care referrals completed, increasing student access to eye examinations, and providing necessary eyewear to eligible students.

Section 291.40. CHILDREN'S DENTAL SERVICES PROGRAM

(A) The Department of Health shall establish and administer the Children's Dental Services Program. Under the program, dental care services, including screenings, treatment, and preventive care, may be provided to a child who meets the following conditions:

(1) The child resides in an underserved area as determined by the Department.

(2) The child meets any other eligibility condition established by the Department.

(B) The dental care services described in division (A) of this section may be provided by deploying mobile dental units to schools and underserved areas.

(C) In administering the program, the Department shall focus on increasing children's access to dental care and helping to reduce the incidence of dental caries among children.

Section 293.10.

106457

1	2	3	4	5
A		HEF HIGHER EDUCATIONAL FACILITY COMMISSION		
B	Dedicated Purpose Fund Group			
C	4610 372601	Operating Expenses	$15,513	$15,513
D	Dedicated Purpose Fund Group Total		$15,513	$15,513
E	TOTAL ALL BUDGET FUND GROUPS		$15,513	$15,513

Section 295.10. 106458

106459

1	2	3	4	5
A		SPA COMMISSION ON HISPANIC/LATINO AFFAIRS		
B	General Revenue Fund			
C	GRF 148321	Operating Expenses	$466,248	$483,670
D	General Revenue Fund Total		$466,248	$483,670
E	Dedicated Purpose Fund Group			
F	6010 148602	Special Initiatives	$50,000	$50,000
G	Dedicated Purpose Fund Group Total		$50,000	$50,000
H	TOTAL ALL BUDGET FUND GROUPS		$516,248	$533,670

Section 297.10. 106460

106461

1	2	3	4	5
A		OHS OHIO HISTORY CONNECTION		
B	General Revenue Fund			
C	GRF 360400	Holocaust and Genocide Memorial and Education Commission	$985,000	$985,000
D	GRF 360401	Ohio Commission for the U.S. Semiquincentennial	$7,500,000	$2,500,000
E	GRF 360402	UNESCO World Heritage Sites	$3,260,020	$2,602,020
F	GRF 360501	Education and Collections	$6,139,320	$6,147,040
G	GRF 360502	Site and Museum Operations	$11,721,000	$11,721,000
H	GRF 360504	Ohio Preservation Office	$965,287	$965,287
I	GRF 360505	National Afro-American Museum	$811,000	$811,000
J	GRF 360506	Hayes Presidential Center	$750,000	$750,000
K	GRF 360508	State Historical Grants	$700,000	$700,000
L	GRF 360509	Outreach and Partnership	$1,967,085	$1,967,085
M	General Revenue Fund Total		$34,798,712	$29,148,432
N	Dedicated Purpose Fund Group			

O	5KL0	360602	Ohio History Tax Check-off	$150,000	$150,000
P	5PD0	360603	Ohio History License Plate	$10,000	$10,000
Q	Dedicated Purpose Fund Group Total			$160,000	$160,000
R	TOTAL ALL BUDGET FUND GROUPS			$34,958,712	$29,308,432

Section 297.20. SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2026 and fiscal year 2027 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code.

UNESCO WORLD HERITAGE SITES

The foregoing appropriation item 360402, UNESCO World Heritage Sites, shall be used for operating costs for approved United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage sites in Ohio.

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, $350,000 in each fiscal year shall be used for the Western Reserve Historical Society, and $350,000 in each fiscal year shall be used for the Cincinnati Museum Center.

OUTREACH AND PARTNERSHIP

Of the foregoing appropriation item 360509, Outreach and Partnership, up to $1,819,085 in each fiscal year shall be used for students and teachers to access the Ohio as America social studies curriculum in partnership with the Department of Education and Workforce. The Ohio History Connection shall report the number of students, teachers, and schools utilizing the curriculum to the Office of Budget and Management at the beginning of each quarter.

Section 299.10.

1	2	3	4	5
A		REP OHIO HOUSE OF REPRESENTATIVES		
B	General Revenue Fund			
C	GRF	025321 Operating Expenses	$37,300,000	$37,300,000
D	General Revenue Fund Total		$37,300,000	$37,300,000
E	Internal Service Activity Fund Group			
F	1030	025601 House of Representatives Reimbursement	$1,433,664	$1,433,664
G	4A40	025602 Miscellaneous Sales	$50,000	$50,000

H	Internal Service Activity Fund Group Total	$1,483,664	$1,483,664
I	TOTAL ALL BUDGET FUND GROUPS	$38,783,664	$38,783,664

Section 299.20. OPERATING EXPENSES

On July 1, 2025, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House of Representatives Reimbursement, the amounts are hereby appropriated.

Section 301.10.

1	2	3	4	5
A		HFA OHIO HOUSING FINANCE AGENCY		
B	Dedicated Purpose Fund Group			
C	5AZ0	997601 Housing Finance Agency Personal Services	$18,900,000	$19,600,000
D	Dedicated Purpose Fund Group Total		$18,900,000	$19,600,000
E	TOTAL ALL BUDGET FUND GROUPS		$18,900,000	$19,600,000

Section 303.10. 106522
106523

1	2	3	4	5
A		IGO OFFICE OF THE INSPECTOR GENERAL		
B	General Revenue Fund			
C	GRF	965321 Operating Expenses	$2,079,000	$2,158,000
D	General Revenue Fund Total		$2,079,000	$2,158,000
E	Internal Service Activity Fund Group			
F	5FA0	965603 Deputy Inspector General for ODOT	$400,000	$400,000
G	5FT0	965604 Deputy Inspector General for BWC/OIC	$425,000	$425,000
H	Internal Service Activity Fund Group Total		$825,000	$825,000

I	TOTAL ALL BUDGET FUND GROUPS			$2,904,000	$2,983,000

Section 305.10.

	1	2	3	4	5
A			INS DEPARTMENT OF INSURANCE		
B	Dedicated Purpose Fund Group				
C	5540	820401	Examination	$11,242,604	$11,690,798
D	5540	820601	Operating Expenses - OSHIIP	$400,670	$414,002
E	5540	820606	Operating Expenses	$36,479,179	$37,595,513
F	Dedicated Purpose Fund Group Total			$48,122,453	$49,700,313
G	Federal Fund Group				
H	3U50	820602	OSHIIP Operating Grant	$3,050,000	$3,050,000
I	Federal Fund Group Total			$3,050,000	$3,050,000
J	TOTAL ALL BUDGET FUND GROUPS			$51,172,453	$52,750,313

Section 305.20. MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The Superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules

administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

Section 307.10.

1	2	3	4	5
A		JFS DEPARTMENT OF JOB AND FAMILY SERVICES		
B	General Revenue Fund			
C	GRF	600410 TANF State Maintenance of Effort	$147,169,083	$147,169,083
D	GRF	600450 Program Operations	$151,825,446	$153,155,581
E	GRF	600502 Child Support - Local	$26,400,000	$26,400,000
F	GRF	600521 Family Assistance - Local	$53,216,226	$53,216,226
G	GRF	600533 Child, Family, and Community Protection Services	$13,500,000	$13,500,000
H	GRF	600534 Adult Protective Services	$9,720,000	$9,720,000
I	GRF	655425 Medicaid Program Support	$15,779,739	$16,393,535
J	GRF	655522 Medicaid Program Support - Local	$49,000,000	$49,000,000
K	GRF	655523 Medicaid Program Support - Local Transportation	$43,530,000	$43,530,000

L	General Revenue Fund Total			$510,140,494	$512,084,425
M	Dedicated Purpose Fund Group				
N	4A80	600658	Public Assistance Activities	$21,400,000	$21,400,000
O	4A90	600607	Unemployment Compensation Administration Fund	$45,180,000	$36,670,000
P	5CI1	6006B6	Utility Community Assistance	$0	$686,947
Q	5DM0	600633	Audit Settlements and Contingency	$1,000,000	$1,000,000
R	5ES0	600630	Food Bank Assistance	$500,000	$500,000
S	5M40	6006B2	Low Income Energy Assistance	$0	$176,222,102
T	5RX0	600699	Workforce Development Projects	$1,500,000	$1,500,000
U	5RY0	600698	Human Services Project	$15,000,000	$15,000,000
V	Dedicated Purpose Fund Group Total			$84,580,000	$252,979,049
W	Internal Service Activity Fund Group				
X	5HL0	600602	State and County Shared Services	$2,000,000	$2,000,000
Y	5WU0	6006C2	Ohio Benefits	$0	$169,005,914

Z			Internal Service Activity Fund Group Total	$2,000,000	$171,005,914
AA			Fiduciary Fund Group		
AB	1920	600646	Child Support Intercept-Federal	$100,000,000	$100,000,000
AC	5830	600642	Child Support Intercept-State	$13,000,000	$13,000,000
AD	5B60	600601	Food Assistance Intercept	$9,000,000	$9,000,000
AE			Fiduciary Fund Group Total	$122,000,000	$122,000,000
AF			Holding Account Fund Group		
AG	R012	600643	Refunds and Audit Settlements	$500,000	$500,000
AH			Holding Account Fund Group Total	$500,000	$500,000
AI			Federal Fund Group		
AJ	3310	600615	Veterans Programs	$9,729,693	$10,046,576
AK	3310	600624	Employment Services	$33,757,412	$33,361,820
AL	3310	600686	Workforce Programs	$3,726,601	$3,831,863
AM	3840	600610	Food Assistance Programs	$353,577,548	$355,477,007
AN	3850	600614	Refugee Services	$43,221,914	$47,817,949
AO	3950	600616	Federal Discretionary	$4,500,000	$4,500,000

			Grants		
AP	3960	600620	Social Services Block Grant	$38,100,747	$38,339,506
AQ	3970	600626	Child Support - Federal	$206,615,245	$206,484,306
AR	3F01	655624	Medicaid Program Support - Federal	$221,532,699	$222,146,496
AS	3FI0	6006B4	Home Weatherization Program	$0	$45,000,000
AT	3K90	6006B3	Home Energy Assistance Block Grant	$0	$180,000,000
AU	3K90	6006B7	HEAP Weatherization	$0	$44,000,000
AV	3L00	6006B8	Community Services Block Grant	$0	$32,000,000
AW	3S50	600622	Child Support Projects	$539,000	$539,000
AX	3V00	600688	Workforce Innovation and Opportunity Act Programs	$165,467,651	$172,078,185
AY	3V40	600632	Trade Programs	$3,001,000	$3,001,000
AZ	3V40	600678	Federal Unemployment Programs	$122,666,388	$125,686,620
BA	3V40	600679	Unemployment Compensation Review Commission-Federal	$6,068,609	$6,249,573
BB	3V60	600689	TANF Block Grant	$561,481,981	$561,481,981

BC Federal Fund Group Total	$1,773,986,488	$2,092,041,882
BD TOTAL ALL BUDGET FUND GROUPS	$2,493,206,982	$3,150,611,270

Section 307.20. COUNTY ADMINISTRATIVE FUNDS

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) Of the foregoing appropriation item 600521, Family Assistance –Local, an additional $2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs.

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, shall be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance – Local, and appropriation item 655522, Medicaid Program Support – Local; and

(2) Appropriation item 655523, Medicaid Program Support – Local Transportation, and appropriation item 655522, Medicaid

Program Support – Local.

Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to $22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this act, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than $24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and

Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT

The Department of Job and Family Services shall enter into a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to provide food distribution to low-income families and individuals via the statewide charitable emergency food provider network and to support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs for children and provide capacity building equipment for food pantries and soup kitchens.

The Ohio Association of Foodbanks shall do all of the following:

(A) Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase shall be reflected in the plan for statewide distribution of food products to local food distribution agencies.

(B) Support the Capacity Building Grant program and purchase equipment for partner agencies that is needed to increase their capacity to serve more families eligible under the Temporary Assistance for Needy Families program with perishable foods, fruits, and vegetables. This equipment purchase shall include, but is not limited to, shelving, pallet jacks, commercial refrigerators, and commercial freezers.

(C) Submit a quarterly report to the Department of Job and Family Services not later than sixty days after the close of the

quarter to which the report pertains. The quarterly report shall include all of the following:

(1) A summary of the allocation and expenditure of grant funds;

(2) Product type and pounds distributed by foodbank service region and county;

(3) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.

(D) Submit an annual report to the Agreement Manager at the Department of Job and Family Services not later than one hundred twenty days after the end of the fiscal year. The annual report shall include the following:

(1) A summary of the allocation and expenditure of grant funds;

(2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.

(3) The quantity and type of food distributed and the total per pound cost of the food purchased;

(4) Information on the cost of storage, transportation, and processing;

(5) An evaluation of the success in achieving expected performance outcomes.

Section 307.60. FOOD STAMPS TRANSFER

On July 1, 2025, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to $1,000,000 cash from the Food Stamp Offset Fund (Fund 5B60), to the Food Assistance Fund (Fund 5ES0).

Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, and 600689, TANF Block Grant, up to $13,535,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, and 600689, TANF Block Grant, $12,500,000

in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than $150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

Of the foregoing appropriation item 600689, TANF Block Grant, $3,750,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Children's Hunger Alliance to assist with meal sponsorship, early child care programs, child care, consultations and nutrition education, school district nutrition programs, after school nutrition programs, and summer nutrition programs.

Of the foregoing appropriation item 600689, TANF Block Grant, up to $2,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Community Action Training Organization for car repair services to TANF eligible individuals.

Of the foregoing appropriation item, 600689, TANF Block Grant, up to $2,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Siemer Institute to support family stability programs in collaboration with United Way affiliates.

Of the foregoing appropriation item 600689, TANF Block Grant, $1,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Council of YWCAs to support child care, food programs for youth and families, educational opportunities for

at-risk youth, trauma-informed support, violence prevention, and food insecurity.

Of the foregoing appropriation item 600689, TANF Block Grant, $1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers Big Sisters of Central Ohio to provide mentoring services to children throughout the state who have experienced trauma in their lives, including parental incarceration.

Of the foregoing appropriation item 600689, TANF Block Grant, $250,000 in each fiscal year shall be provided to the Toledo Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 of the Revised Code.

Of the foregoing appropriation item 600689, TANF Block Grant, $250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Ethiopian Tewahedo Social Services to expand and support out-of-school programs and employment services programs.

Of the foregoing appropriation item 600689, TANF Block Grant, $200,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Marriage Works! Ohio in Dayton.

Section 307.90. PROGRAM OPERATIONS

Of the foregoing appropriation item 600450, Program Operations, $5,000,000 in each fiscal year shall be allocated for the GRIT program to be administered by the Department of Job and Family Services, in coordination with the Governor's Office of Appalachia and the Department of Development. The program shall expand the qualified worker pipeline, remove barriers to

fill local and remote jobs, and promote entrepreneurial endeavors in economically distressed and at-risk areas within the Appalachian region of Ohio, as defined in section 107.21 of the Revised Code, and other like counties within the state. The amount set aside for the GRIT program under this section shall be used for the following:

(A) To establish, in collaboration with private businesses and public sector partners, virtual workforce development centers and supportive resources and to place unemployed and underemployed youth and adults into jobs;

(B) To support assessment, coaching, wraparound services, and other career development and training activities for both high school youth and adults.

The amount set aside for the GRIT program under this section may be used for operating costs.

Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to

reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

Section 307.110. ADULT PROTECTIVE SERVICES

Of the foregoing appropriation item 600534, Adult Protective Services, $7,040,000 in each fiscal year shall be used to provide an initial allocation of $80,000 to each county. The remainder of appropriation item 600534 shall be provided to counties in accordance with the formula established in section 5101.612 of the Revised Code.

Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept – Federal Fund (Fund 1920), the Support Intercept – State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and Audit Settlements Fund (Fund R012) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.130. HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant (Fund 3K90) may be expended from appropriation item 6006B7, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Job and Family Services.

Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN FUND

(A) The Summer Electronic Benefits Transfer for Children Fund is created, which shall be in the custody of the Treasurer of State but shall not be part of the state treasury. The fund shall consist of all money awarded by the United States Department of Agriculture as benefits under 42 U.S.C. 1762. All

money in the fund shall be used by the Director of Job and Family Services solely for the purpose of paying eligible charges incurred by children and families eligible for, and participating in, the Summer Electronic Benefits Transfer for Children Program.

(B) On or before August 1 of each fiscal year, the Director shall submit to the Governor, the Director of Budget and Management, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives information regarding the Summer Electronic Benefits Transfer for Children Program created under 42 U.S.C. 1762, including the amount of federal funding received for the program in the previous fiscal year.

Section 307.150. WORK REQUIREMENTS

The Director of Job and Family Services may refer Ohio Works First and Supplemental Nutrition Assistance Program participants who have indicated that they have a mental or physical illness or impairment to the agency for vocational rehabilitation assessment and support services. Such participants must continue with vocational rehabilitation services pursuant to this section in order to meet Ohio Works First and Supplemental Nutrition Assistance Program work requirements, unless they are determined unable to work by the Opportunities for Ohioans with Disabilities agency, or otherwise meet minimum program work requirements. Participants who are not determined unable to work by the Opportunities for Ohioans with Disabilities agency and who do not participate with vocational rehabilitation services pursuant to this section or otherwise meet minimum program work requirements will have benefits

terminated in accordance with federal regulations.

Section 309.10.

1	2	3	4	5
A		JCR JOINT COMMITTEE ON AGENCY RULE REVIEW		
B	General Revenue Fund			
C	GRF	029321 Operating Expenses	$620,000	$620,000
D	General Revenue Fund Total		$620,000	$620,000
E	TOTAL ALL BUDGET FUND GROUPS		$620,000	$620,000

Section 309.20.

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the

Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

Section 313.10.

1	2	3	4	5
A		JMO JOINT MEDICAID OVERSIGHT COMMITTEE		
B	General Revenue Fund			
C	GRF	048321 Operating Expenses	$530,532	$654,606
D	General Revenue Fund Total		$530,532	$654,606
E	TOTAL ALL BUDGET FUND GROUPS		$530,532	$654,606

Section 313.20.

OPERATING EXPENSES

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing

appropriation item 048321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

Section 315.10.

1	2	3	4	5
A		JCO JUDICIAL CONFERENCE OF OHIO		
B	General Revenue Fund			
C	GRF	018321 Operating Expenses	$1,398,265	$1,475,131
D	General Revenue Fund Total		$1,398,265	$1,475,131
E	Dedicated Purpose Fund Group			
F	4030	018601 Ohio Jury Instructions	$746,000	$814,899
G	Dedicated Purpose Fund Group Total		$746,000	$814,899
H	TOTAL ALL BUDGET FUND GROUPS		$2,144,265	$2,290,030

Section 315.20.

STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to $103,315 in fiscal year 2026 and up to $108,481 in fiscal year 2027 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. All moneys accruing to Fund 4030 in excess of the amount appropriated for the current fiscal year are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

Section 317.10.

1	2	3	4	5
A		JSC THE JUDICIARY/SUPREME COURT		
B	General Revenue Fund			

C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	$213,543,246	$220,494,519
D	GRF	005401	State Criminal Sentencing Commission	$1,506,142	$1,601,731
E	GRF	005406	Law-Related Education	$250,000	$250,000
F	GRF	005409	Ohio Courts Technology Initiative	$4,505,000	$4,505,000
G	General Revenue Fund Total			$219,804,388	$226,851,250
H	Dedicated Purpose Fund Group				
I	4C80	005605	Attorney Services	$10,718,083	$10,721,022
J	5HT0	005617	Court Interpreter Certification	$9,000	$9,000
K	5SP0	005626	Civil Justice Grant Program	$425,000	$425,000
L	5T80	005609	Grants and Awards	$1,000	$1,000
M	6720	005601	Continuing Judicial Education	$37,500	$37,500
N	Dedicated Purpose Fund Group Total			$11,190,583	$11,193,522
O	Fiduciary Fund Group				
P	5JY0	005620	County Law Library Resources Boards	$313,800	$318,500

Q	Fiduciary Fund Group Total	$313,800	$318,500
R	Federal Fund Group		
S	3J00 005603 Federal Grants	$1,810,907	$1,157,600
T	Federal Fund Group Total	$1,810,907	$1,157,600
U	TOTAL ALL BUDGET FUND GROUPS	$233,119,678	$239,520,872

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code.

LAW-RELATED EDUCATION

Of the foregoing appropriation item 005406, Law-Related Education, $250,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

OHIO COURTS TECHNOLOGY INITIATIVE

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the maintenance of an Ohio Courts

Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Registration Fund (Fund 4C80) shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office of Bar Admissions. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall

consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) $50 voluntary donations made as part of the biennium attorney registration process and (2) $150 of the pro hac vice fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Grant Program, shall be used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5SP0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling

Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Continuing Judicial Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6720 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARDS

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Boards, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of

the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 319.10.

1	2	3	4	5
A		LEC LAKE ERIE COMMISSION		
B	Dedicated Purpose Fund Group			
C	4C00 780601	Lake Erie Protection	$900,000	$940,000
D	6H20 780604	H2Ohio	$132,000	$132,000
E	Dedicated Purpose Fund Group Total		$1,032,000	$1,072,000
F	Federal Fund Group			
G	3EP0 780603	LEC Federal Grants	$1,140,000	$1,140,000
H	Federal Fund Group Total		$1,140,000	$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS		$2,172,000	$2,212,000

Section 319.20.

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer

cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	$25,000	$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	$25,000	$25,000
D	4700	General Operations	Department of Health	$25,000	$25,000
E	1570	Program Support	Department of Natural Resources	$25,000	$25,000
F	7002	Highway Operating	Department of Transportation	$25,000	$25,000
G	1350	Supportive Services	Department of Development	$25,000	$25,000

Section 321.10.

	1	2	3	4	5
A	JLE JOINT LEGISLATIVE ETHICS COMMITTEE				
B	General Revenue Fund				

C	GRF	028321	Legislative Ethics Committee	$713,000	$713,000
D	General Revenue Fund Total			$713,000	$713,000
E	Dedicated Purpose Fund Group				
F	4G70	028601	Joint Legislative Ethics Committee	$150,000	$150,000
G	5HN0	028602	Investigations and Financial Disclosure	$10,000	$10,000
H	Dedicated Purpose Fund Group Total			$160,000	$160,000
I	TOTAL ALL BUDGET FUND GROUPS			$873,000	$873,000

Section 321.20. LEGISLATIVE ETHICS COMMITTEE

On July 1, 2025, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics

Committee, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

Section 323.10.

1	2	3	4	5
A		LSC LEGISLATIVE SERVICE COMMISSION		
B	General Revenue Fund			
C	GRF	035321 Operating Expenses	$24,800,000	$24,800,000
D	GRF	035402 Legislative Fellows	$1,200,000	$1,200,000
E	GRF	035405 Correctional Institution Inspection Committee	$497,000	$522,000
F	GRF	035407 Legislative Task Force on Redistricting	$100,000	$0
G	GRF	035409 National Associations	$712,000	$712,000
H	GRF	035410 Legislative Information Systems	$15,000,000	$15,000,000
I	GRF	035501 Litigation	$1,000,000	$1,000,000
J	General Revenue Fund Total		$43,309,000	$43,234,000
K	TOTAL ALL BUDGET FUND GROUPS		$43,309,000	$43,234,000

Section 323.20. OPERATING EXPENSES

On July 1, 2025, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

On July 1, 2025, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at

the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

LEGISLATIVE TASK FORCE ON REDISTRICTING

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2025 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2026.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2026 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2027.

LEGISLATIVE INFORMATION SYSTEMS

On July 1, 2025, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The

amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

LITIGATION

The foregoing appropriation item 035501, Litigation, shall be used for any lawsuit in which the General Assembly, or either house of the General Assembly, is made a party. The chairperson and vice-chairperson of the Legislative Service Commission shall both approve the use of the appropriated moneys.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2025 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2026.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2026 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2027.

Section 325.10.

1	2	3	4	5
A		LIB STATE LIBRARY BOARD		
B	General Revenue Fund			
C	GRF	350321 Operating Expenses	$4,772,036	$4,858,474
D	GRF	350401 Ohioana Library Association	$310,516	$310,516
E	GRF	350502 Regional Library Systems	$494,000	$494,000

F	General Revenue Fund Total			$5,576,552	$5,662,990
G	Dedicated Purpose Fund Group				
H	4590	350603	Services for Libraries	$6,748,455	$6,783,244
I	4S40	350604	Ohio Public Library Information Network	$5,567,715	$5,587,432
J	5GB0	350605	Library for the Blind	$1,274,194	$1,274,194
K	Dedicated Purpose Fund Group Total			$13,590,364	$13,644,870
L	Internal Service Activity Fund Group				
M	1390	350602	Services for State Agencies	$8,000	$8,000
N	Internal Service Activity Fund Group Total			$8,000	$8,000
O	Federal Fund Group				
P	3130	350601	LSTA Federal	$5,554,767	$5,609,015
Q	Federal Fund Group Total			$5,554,767	$5,609,015
R	TOTAL ALL BUDGET FUND GROUPS			$24,729,683	$24,924,875

Section 325.20. OHIOANA LIBRARY ASSOCIATION

Of the foregoing appropriation item 350401, Ohioana Library Association, $191,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised

Code.

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

REGIONAL LIBRARY SYSTEMS

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.

OHIO PUBLIC LIBRARY INFORMATION NETWORK

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on

technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

Section 327.10. 107249
107250

	1	2	3	4	5
A			LCO LIQUOR CONTROL COMMISSION		
B	Dedicated Purpose Fund Group				
C	5LP0	970601	Commission Operating Expenses	$1,177,114	$1,241,735
D	Dedicated Purpose Fund Group Total			$1,177,114	$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS			$1,177,114	$1,241,735

Section 329.10. 107251
107252

	1	2	3	4	5
A			LOT STATE LOTTERY COMMISSION		
B	State Lottery Fund Group				
C	7044	950321	Operating Expenses	$73,138,202	$75,729,884
D	7044	950402	Advertising Contracts	$30,811,375	$30,811,375
E	7044	950403	Gaming Contracts	$123,355,327	$128,639,066
F	7044	950601	Direct Prize Payments	$183,030,000	$183,282,000
G	7044	950605	Responsible Gambling	$5,000,000	$5,000,000
H	8710	950602	Annuity Prizes	$35,637,000	$34,737,000

I	State Lottery Fund Group Total	$450,971,904	$458,199,325
J	TOTAL ALL BUDGET FUND GROUPS	$450,971,904	$458,199,325

Section 329.20. OPERATING EXPENSES

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amount appropriated in each fiscal year, up to a maximum of 10 per cent of anticipated total revenue. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

RESPONSIBLE GAMBLING

Notwithstanding sections 127.14 and 131.35 of the Revised Code, if the revenue from the one-half of one per cent dispersed from the video lottery sales agent commissions, as well as the surrendered funds pursuant to rule 3770:2-8-03 of the Administrative Code, from the Voluntary Exclusion Program, exceeds the amount appropriated, the Director of the State Lottery Commission may certify to the Director of Budget and Management the amount in excess requesting to be increased in the foregoing appropriation item 950605, Responsible Gambling, or to be transferred to support programs provided for gambling addiction and other related services through the Responsible Gambling Services Fund (Fund 5T90). If the Director of Budget

and Management determines sufficient cash is available, the Director may transfer up to the amount certified. Any additional amounts approved by the Director pursuant to this section are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be $1,462,000,000 in fiscal year 2026 and $1,467,000,000 in fiscal year 2027. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

Section 333.10.

1	2	3	4	5
A		MCD DEPARTMENT OF MEDICAID		

B	General Revenue Fund				
C	GRF	651425	Medicaid Program Support - State	$169,165,531	$169,864,228
D	GRF	651525	Medicaid Health Care Services - Total	$20,232,492,970	$21,770,643,885
E			Medicaid Health Care Services - State	$5,624,594,001	$6,005,647,524
F			Medicaid Health Care Services - Federal	$14,607,898,969	$15,764,996,361
G	GRF	651526	Medicare Part D	$745,500,073	$829,099,684
H	General Revenue Fund Total			$21,147,158,574	$22,769,607,797
I	Dedicated Purpose Fund Group				
J	4E30	651605	Resident Protection Fund	$7,000,000	$7,000,000
K	5AN0	651686	State Directed Payment Program	$233,410,621	$233,212,717
L	5DL0	651639	Medicaid Services - Recoveries	$928,907,575	$903,678,835
M	5DL0	651685	Medicaid Recoveries - Program Support	$89,560,719	$91,388,371
N	5DL0	651690	Multi-system Youth Custody Relinquishment	$20,000,000	$20,000,000
O	5FX0	651638	Medicaid Services -	$12,000,000	$12,000,000

			Payment Withholding		
P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	$2,632,211,017	$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	$451,000,000	$451,000,000
R	5SA4	651689	Medicaid Health and Human Services	$500,000,000	$500,000,000
S	5TN0	651684	Medicaid Services-HIC Fee	$879,876,850	$869,039,656
T	6510	651649	Medicaid Services-Hospital Care Assurance Program	$320,543,800	$168,455,600
U	Dedicated Purpose Fund Group Total			$6,074,510,582	$6,285,789,449
V	Holding Account Fund Group				
W	R055	651644	Refunds and Reconciliation	$14,001,665	$14,001,665
X	Holding Account Fund Group Total			$14,001,665	$14,001,665
Y	Federal Fund Group				
Z	3F00	651623	Medicaid Services - Federal	$14,253,819,339	$15,150,777,365
AA	3F00	651624	Medicaid Program Support - Federal	$504,612,781	$506,975,630
AB	3FA0	651680	Health Care Grants -	$7,000,000	$7,000,000

		Federal			
AC	3G50	651655	Medicaid Interagency Pass Through	$265,003,000	$265,003,000
AD	Federal Fund Group Total			$15,030,435,120	$15,929,755,995
AE	TOTAL ALL BUDGET FUND GROUPS			$42,266,105,941	$44,999,154,906

Section 333.30. LODGING FOR FAMILIES

Of the foregoing appropriation item 651525, Medicaid Health Care Services, $2,500,000 in each fiscal year shall be used by the Medicaid Director to work with the Centers for Medicare and Medicaid Services to continue lodging as an administrative service affiliated with Ohio children's hospitals available for families with children who have special health care needs.

Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $2,200,000 cash in fiscal year 2026 and $4,400,000 cash in fiscal year 2027 from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Developmental Disabilities. This funding shall be used to support an increase in the personal needs allowance for individuals residing in an intermediate care facility for individuals with intellectual disabilities. The Medicaid Director may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Any amounts transferred are hereby appropriated.

Section 333.50. MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support – Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support – Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to processing cases for work requirements for the expansion eligibility group that are

established under the medicaid waiver component required under section 5166.37 of the Revised Code, and as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT

Of the amount received by the Department of Medicaid during fiscal year 2026 and fiscal year 2027 from the intergovernmental transfers paid under any directed payment program as authorized under 42 CFR 438.6(c), the Medicaid Director shall deposit a portion of the payments into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). The Director of Budget and Management may adjust appropriations in line item 651685, Medicaid Recoveries – Program Support, along with the corresponding federal share in line item 651624, Medicaid Program Support – Federal, based on the amount of the deposits to Fund 5DL0 made under this section. Any adjusted amounts are hereby appropriated.

Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT PROGRAM FUND

(A) Transfers made for the Hospital Directed Payment Program authorized by section 5162.25 of the Revised Code shall be deposited into the State Directed Payment Program Fund (Fund 5AN0). The state share of the program shall be derived from deposits attributable to the intergovernmental transfers received for the Hospital Directed Payment Program, and the

corresponding federal share in appropriation item 651623, Medicaid Services – Federal, shall be used for the Hospital Directed Payment Program. Except for deposits under Section 333.80 of this act, the Director of Budget and Management may transfer any remaining cash in Fund 5DL0 at the end of the fiscal year 2025 attributable to the Hospital Directed Payment Program to Fund 5AN0 to the credit of the Hospital Directed Payment Program.

(B) Notwithstanding paragraph (E) of section 131.35 of the Revised Code, if receipts credited to the State Directed Payment Program Fund (Fund 5AN0) exceed the amounts appropriated from the fund, the Medicaid Director may seek controlling board approval for expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the amount in appropriation item 651623, Medicaid Services – Federal, accordingly. Any authorized expenditures and adjusted amounts are hereby appropriated.

(C) The Medicaid Director shall terminate the Hospital Directed Payment Program if funds deposited are insufficient to operate the program.

Section 333.90. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2026 and fiscal year 2027 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit $2,500,000 cash in each fiscal year into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries

Fund (Fund 5DL0).

Section 333.100. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL HEALTH CARE FUND

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $3,200,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), used by the Department of Behavioral Health. Any transferred funds shall be used to support Centers of Excellence and related activities. Any transferred amounts are hereby appropriated.

Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

Section 333.120. HEALTH INSURING CORPORATION CLASS FRANCHISE FEE

If receipts credited to the Health Insuring Corporation Class Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal appropriation item identified by the Medicaid

Director accordingly. Any authorized amounts and any corresponding federal adjustments are hereby appropriated.

Section 333.130. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services – Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM

The Hospital Additional Payment Program is created. The program shall be a state directed payment program for inpatient and outpatient hospital services provided to Medicaid care management system enrollees receiving care at in-state hospitals. Participating hospitals or hospital industry representatives shall work collaboratively with the Department

of Medicaid to establish quality improvement initiatives that are approved by the Medicaid Director and that align with and advance the goals of the Department of Medicaid's quality strategy required under 42. C.F.R. 438.340. Participating hospitals shall receive payments directly for services provided under the program.

The non-federal share of services under the program shall be funded through the hospital franchise fee. Hospital franchise fees made for this program shall be deposited into the Medicaid Hospital Fund (Fund 5GF0). The state share of this program shall be derived from deposits attributable to the incremental franchise fee for the program, and the corresponding federal share in appropriation item 651623, Medicaid Services – Federal, shall be used for the HAP Program. The Medicaid Director shall seek approval from the Centers for Medicare and Medicaid Services for the program in accordance with section 5162.07 of the Revised Code.

Section 333.150. REFUNDS AND RECONCILIATION FUND

If estimated receipts to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)

(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support – Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Medicaid Director may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Any amounts transferred are hereby appropriated.

Section 333.170. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the

Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2026 and fiscal year 2027 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

(1) Hospitals;

(2) Nursing facilities;

(3) Intermediate care facilities for individuals with intellectual disabilities.

Section 333.180. HOME AND COMMUNITY BASED SERVICES APPROPRIATIONS – STATE

The Director of Budget and Management may authorize additional expenditures in appropriation items 651698, MCD Home and Community Based Services, 653698, DDD Home and Community Based Services, 652698, MHA Home and Community Based Services, 655698, JFS Home and Community Based Services, 659698, BOR Home and Community Based Services, and 656698, AGE Home and Community Based Services, as long as the additional expenditures are offset by equal expenditure reductions in another of these appropriation items. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are hereby appropriated.

Section 333.190. HOME AND COMMUNITY BASED SERVICES

APPROPRIATIONS - FEDERAL

The Director of Budget and Management may authorize additional expenditures in appropriation items 651699, MCD Home and Community Based Services – Federal, 653699, DDD Home and Community Based Services – Federal, 652699, MHA Home and Community Based Services – Federal, 655699, JFS Home and Community Based Services – Federal, 659699, BOR Home and Community Based Services - Federal, and 656699, AGE Home and Community Based Services – Federal.

If additional expenditures are authorized in any of these appropriation items, the Director of Budget and Management shall make appropriation adjustments in any of the other items as necessary. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are hereby appropriated.

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY DETERMINATIONS

Up to $5,000,000 in each fiscal year of funds within appropriation item 655522, Medicaid Program Support – Local, may be distributed based on performance criteria established by the Ohio Department of Medicaid. Performance based amounts and criteria, and criteria for transfer approval may include but are not limited to timeliness and accuracy of application and renewal processing.

Section 333.210. CASH TRANSFERS FROM FRANCHISE PERMIT FEE

FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $5,000,000 cash in each fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used by the Department of Health. Also, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $11,885,000 cash in each fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman Support Fund (Fund 5BA0), used by the Department of Aging. All transferred funds shall be utilized in accordance with section 5168.54 of the Revised Code. At the end of each fiscal year, the Department of Health and the Department of Aging shall report on spending activities to the Office of Budget and Management.

Section 333.230. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.240. MEDICAID SERVICES RECOVERIES

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651639, Medicaid Services Recoveries. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.250. MYCARE OHIO EXPANSION

(A) As required by H.B. 33 of the 135th General Assembly, the Medicaid Director shall continue, during fiscal years 2026 and 2027, to expand the Integrated Care Delivery System, as that

phrase is defined in section 5164.01 of the Revised Code, or if the Director terminates the Integrated Care Delivery System, the successor program developed by the Director and approved by the United States Centers for Medicare and Medicaid Services, to all counties of this state.

(B) The entities selected for the expanded Integrated Care Delivery System shall be selected by the Department.

(C) The Department shall establish requirements for care management and coordination of waiver services in the expanded Integrated Care Delivery System, subject to all of the following:

(1) The entities selected pursuant to division (B) of this section shall employ the applicable area agency on aging to be coordinators of home and community-based services available under a Medicaid waiver component available for eligible individuals over the age of fifty-nine;

(2) The entities may delegate to the applicable area agency on aging full care coordination function for home and community-based services and other health care services received by those eligible individuals;

(3) Individuals enrolled in an entity's plan or plans may choose the entity or its designee as the care coordinator as an alternative to the area agency on aging;

(4) The Department may specify an alternative approach to care management and coordination of waiver services if the performance of the area agency on aging does not meet the requirements of the Integrated Care Delivery System or if the Department determines that the needs of a defined group of individuals requires an alternative approach.

Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION AND DENTAL SERVICES

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $7,000,000 cash in each fiscal year from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health. This funding shall be used to support public health programs or the provision of certain services, including preventive care and other interventions, to improve the health of low-income children.

Of the transferred funds, up to $5,000,000 in each fiscal year shall be used to increase children's access to vision care, and up to $2,000,000 in each fiscal year shall be used to increase children's access to dental care. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Any transferred amounts are hereby appropriated.

Section 333.270. HCBS DIRECT CARE WORKER WAGES

The Department of Medicaid, jointly, with the Department of Aging and the Department of Developmental Disabilities, shall collect data from providers regarding the wages paid to direct care workers providing direct care services under the Medicaid home and community-based waiver components administered by those agencies. Not later than the last day in December of each fiscal year of the biennium, the Department of Medicaid shall compile a report and submit the report to the Governor.

Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO CALCULATE NURSING FACILITY DIRECT CARE RATES

For fiscal year 2026, a nursing facility's quarterly case

mix score from June 30, 2025, shall be used to determine the facility's direct care rate from July 1, 2025, through December 31, 2025. Beginning January 1, 2026, the increase or decrease in a nursing facility's direct care rate shall be one-third of the difference between the direct care rate on January 1, 2025, and the direct care rate determined utilizing case mix scores calculated in accordance with section 5165.192 of the Revised Code.

In fiscal year 2027, the increase or decrease to a nursing facility's direct care rate shall be two-thirds of the difference between the direct care rate on January 1, 2025, and the direct care rate determined utilizing case mix scores calculated in accordance with section 5165.192 of the Revised Code. Thereafter, a nursing facility's direct care rate shall be determined utilizing case mix scores calculated in accordance with section 5165.192 of the Revised Code.

Section 333.290. RURAL SOUTHERN OHIO HOSPITAL TAX PILOT PROGRAM

(A) As used in this section:

(1) "Hospital tax assessment" means an assessment imposed under Section 333.300 of this act to fund the nonfederal share of the Rural Southern Ohio Hospital Tax Pilot Program.

(2) "Preprint" means a form created by the United States Centers for Medicare and Medicaid Services to request approval of a state directed payment program as required under 42 C.F.R. 438.6(c).

(B) The Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 5CM1) is created. Investment earnings of the Rural Southern Ohio Hospital Tax Pilot Program Fund shall be credited

to the fund.

(C) The Medicaid Director may create a Rural Southern Ohio Hospital Tax Pilot Program for directed payments to rural southern Ohio hospitals, and their related health systems, that meet the following criteria:

(1) The hospital is located in one of the following counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, Pike, Ross, or Scioto.

(2) The hospital is enrolled as a provider in the Medicaid program.

(D) The Rural Southern Ohio Hospital Tax Pilot Program established pursuant to this section shall comply with the requirements of 42 C.F.R. 438.6(c), including all of the following:

(1) The program shall be approved by the United States Centers for Medicare and Medicaid Services, and the Medicaid Director shall seek approval for the program in accordance with section 5162.07 of the Revised Code.

(2) Directed payments under the program shall not exceed the average commercial rate under a preprint as approved by the United States Centers for Medicare and Medicaid Services.

(3) The program shall be subject to an evaluation plan, in accordance with 42 C.F.R. 438.6(c)(2)(ii)(D).

(E) Hospital providers participating in the Rural Southern Ohio Hospital Tax Pilot Program shall do all of the following:

(1) Enter into one or more contracts related to the program as necessary, as determined by the Department of Medicaid;

(2) Comply with average commercial rate reporting requirements established by the Department, related to the requirements set forth in 42 C.F.R. 438.6(c)(2)(iii);

(3) Comply with the Department's quality measure set, including the metrics and targets set by the Department to advance the goals and objectives in the Department's quality strategy, as specified in 42 C.F.R. 438.6(c)(2)(ii)(C) and 42 C.F.R. 438.340;

(4) Cooperate with any evaluation or reporting requirements established by the Department related to the requirements set forth in 42 C.F.R. 438.6(c)(2)(ii)(D) and (F).

(F) Any hospital provider contracts required under division (E)(1) of this section shall be executed not later than the first day of October preceding the first fiscal year of a biennium. A contract required under this section may be entered into in accordance with section 5162.32 of the Revised Code.

(G) All funds supporting the Rural Southern Ohio Tax Pilot Program shall comply with the requirements specified in 42 C.F.R. Part 433. No hospital provider may participate in the Rural Southern Ohio Hospital Tax Pilot Program unless sufficient tax funds are assessed, collected, obligated, and appropriated.

(H) The Director may terminate or decline to establish the Rural Southern Ohio Hospital Tax Pilot Program if federal or local tax funding is not available or sufficient to sustain the program. The Department shall not at any time be required to provide funding for the Rural Southern Ohio Hospital Tax Pilot Program. The requirements of this section apply only as long as the United States Centers for Medicare and Medicaid Services determines that the assessment imposed under Section 333.300 of

this act is a permissible health care-related tax pursuant to the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). If the Department is informed that the assessment is an impermissible health care related tax, the Department shall promptly refund to each hospital the amount of money currently in the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 5CM1) that has been paid by the hospital under Section 333.300 of this act, plus any investment earnings on that amount.

(I) The nonfederal share of the directed payments shall be funded exclusively by a hospital tax assessment pursuant to Section 333.300 of this act and must be remitted to the Department through intergovernmental transfer from a multi-county funding district, as specified in that section.

(J) Transfers made for the program shall be deposited into the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 5CM1). The state share of this program shall be derived from deposits attributable to the intergovernmental transfers received for the Rural Southern Ohio Hospital Tax Pilot Program, and the corresponding federal share in appropriation item 651623, Medicaid Services – Federal, shall be used for the Rural Southern Ohio Hospital Tax Pilot Program.

Section 333.300. RURAL SOUTHERN OHIO HOSPITAL PILOT PROGRAM ASSESSMENTS

(A)(1) As used in this section, "county" means a county identified in Section 333.290 of this act that has fewer than two hospitals located in the county.

(2) For purposes of this section, one or more contiguous counties may create a multi-county funding district. The boundary of any multi-county funding district shall be

coextensive with the combined boundaries of the counties contained in the multi-county funding district.

(B) In establishing a multi-county funding district, all of the following apply:

(1) A multi-county funding district is a governmental entity.

(2) The board of county commissioners of each county within the boundaries of a proposed multi-county funding district shall pass a resolution or ordinance establishing the multi-county funding district and appointing one county commissioner to serve on the district's governing board. Upon the adoption of a resolution or ordinance by each board of county commissioners, the multi-county funding district is created. Following the creation of a multi-county funding district, each resolution or ordinance required to establish the district shall be amended before a new county may join the district.

(3) The governing board of a multi-county funding district shall be comprised solely of the county commissioners appointed by each county within the boundaries of the district. A county may replace its appointment to the governing board by resolution or ordinance.

(4) The governing board of a multi-county funding district shall delegate the operational and administrative burdens of the districts to the counties that comprise the district. Within sixty days of the establishment of a multi-county funding district, the governing board shall designate at least one county to serve as the operational and administrative lead for the district. The governing board may change this designation at

any time.

(C) A county or multi-county funding district may establish a local hospital assessment to provide the nonfederal share for Medicaid payments under division (G) of Section 333.290 of this act. Any local assessment established under this section shall comply with all of the requirements applicable to provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 C.F.R. 433.68.

(1) Each county or multi-county funding district shall set the annual rate of the local hospital assessment.

(2) An assessment established under this section shall apply uniformly to all non-public hospitals within the jurisdiction of the county or multi-county funding district. A county or multi-county funding district may apply the assessment to public hospitals.

(3) A county or multi-county funding district shall set the rate of the assessment such that, in the aggregate, the assessment will generate sufficient revenue to cover both of the following:

(a) The nonfederal share of Medicaid payments that benefit hospitals in the county or multi-county funding district;

(b) The administrative expenses of the county or multi-county funding district in administering the local hospital assessment, except that administrative expenses shall not exceed one hundred fifty thousand dollars annually.

(4) Implementation of an assessment established under this section shall further the state's evolving quality goals, including improving mental health, substance abuse prevention, and advancing maternal health.

(5) A county or multi-county funding district may impose penalties upon a hospital that is subject to an assessment that fails to pay the assessment in a timely manner.

Section 335.10.

1	2	3	4	5
A		MED STATE MEDICAL BOARD		
B	Dedicated Purpose Fund Group			
C	5C60 883609	Operating Expenses	$14,315,005	$14,891,225
D	Dedicated Purpose Fund Group Total		$14,315,005	$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS		$14,315,005	$14,891,225

Section 337.10.

1	2	3	4	5
A		MHA DEPARTMENT OF BEHAVIORAL HEALTH		
B	General Revenue Fund			
C	GRF 336321	Program Support and Operations	$59,724,405	$61,389,013
D	GRF 336402	Resident Trainees	$380,000	$380,000
E	GRF 336406	Prevention and Wellness	$7,650,000	$7,650,000
F	GRF 336407	Crisis Services and Stablization	$17,000,000	$22,000,000

G	GRF	336409	State of Ohio Action Resiliency Network	$10,000,000	$10,000,000
H	GRF	336412	Hospital Services	$333,954,104	$342,325,387
I	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	$27,500,000	$24,200,000
J	GRF	336421	Continuum of Care Services	$103,580,000	$103,580,000
K	GRF	336422	Criminal Justice Services	$34,561,738	$34,821,119
L	GRF	336425	Specialized Docket Support	$11,282,469	$11,287,028
M	GRF	336504	Community Innovations	$23,500,000	$8,500,000
N	GRF	336510	Residential State Supplement	$24,000,000	$24,000,000
O	GRF	336516	Appalachian Children Coalition	$2,500,000	$2,500,000
P	GRF	652321	Medicaid Support	$478,055	$492,396
Q	General Revenue Fund Total			$656,110,771	$653,124,943
R	Dedicated Purpose Fund Group				
S	4750	336623	Statewide Treatment and Prevention	$24,000,000	$24,000,000
T	4850	336632	Mental Health Operating	$19,000,000	$24,200,000

U	5AA1	336661	988 Suicide and Crisis Response	$2,500,000	$0
V	5AU0	336615	Behavioral Health Care	$11,000,000	$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	$9,000,000	$7,750,000
X	5T90	336641	Problem Gambling Services	$3,200,000	$3,200,000
Y	5TZ0	336666	Behavioral Health Assistance	$20,000,000	$20,000,000
Z	5VV0	336645	Transcranial Magnetic Stimulation Program	$4,000,000	$4,000,000
AA	6320	336616	Community Capital Replacement	$350,000	$350,000
AB	6890	336640	Education and Conferences	$200,000	$200,000
AC	QG18	336667	Treatment, Prevention, and Education	$3,273,160	$10,501,800
AD	QG18	336668	9-8-8 Suicide Crisis and Response	$31,691,840	$41,298,200
AE	Dedicated Purpose Fund Group Total			$128,215,000	$146,500,000
AF	Internal Service Activity Fund Group				
AG	1490	336609	Hospital Operating Expenses	$16,000,000	$16,000,000
AH	1490	336610	Operating Expenses	$7,350,000	$7,350,000

AI	1510	336601	Ohio Pharmacy Services	$124,937,150	$146,503,708
AJ	4P90	336604	Community Mental Health Projects	$250,000	$250,000
AK	Internal Service Activity Fund Group Total			$148,537,150	$170,103,708
AL	Federal Fund Group				
AM	3240	336605	Medicaid/Medicare	$18,000,000	$18,000,000
AN	3A70	336612	Social Services Block Grant	$8,500,000	$8,500,000
AO	3A80	336613	Federal Grants	$8,600,000	$8,600,000
AP	3A90	336614	Mental Health Block Grant	$52,000,000	$46,000,000
AQ	3B10	652636	Community Medicaid Legacy Support	$1,600,000	$1,600,000
AR	3G40	336618	Substance Abuse Block Grant	$87,000,000	$86,000,000
AS	3H80	336606	Demonstration Grants	$16,000,000	$16,000,000
AT	3HB1	336644	State Opioid Response	$170,000,000	$170,000,000
AU	3N80	336639	Administrative Reimbursement	$1,000,000	$1,000,000
AV	Federal Fund Group Total			$362,700,000	$355,700,000
AW	TOTAL ALL BUDGET FUND GROUPS			$1,295,562,921	$1,325,428,651

Section 337.20. STATE BLOCK GRANTS

(A) As used in this section:

(1) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification.

(2) "Jail" has the same meaning as in section 2929.01 of the Revised Code.

(3) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(4) "Medication-assisted treatment drug court program" means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.

(5) "Alcohol and drug addiction services," "mental health services," "recovery housing residence," and "recovery supports" have the same meanings as in section 5119.01 of the Revised Code.

(B) In fiscal years 2026 and 2027, the Department of Behavioral Health may allocate General Revenue Funds described in this section, as well as any other General Revenue Funds and Dedicated Purpose Funds determined by the Department, to boards of alcohol, drug addiction, and mental health services through state block grants. These state block grants shall serve to provide flexibility within established allowable uses for the

boards to disburse funds to behavioral health providers to provide harm reduction, prevention, substance use disorder treatment, mental health treatment, recovery supports, and crisis services in local communities. The Director of Behavioral Health shall adopt guidelines on the eligible uses of these block grants.

(C) The Director of Behavioral Health shall create a uniform reporting structure related to the expenditures, uses, and outcomes of the state block grants described in this section to ensure that thorough and accurate data is reported with a focus on transparency, accountability, process improvement, outcomes, and return on investment. This data shall be made available in accordance with state of Ohio data governance best practices and federal and state security and privacy laws, regulations, and standards.

(D) The Department of Behavioral Health shall disburse the state block grant funds to boards of alcohol, drug addiction, and mental health services in accordance with distribution methodologies determined by the Director of Behavioral Health. In determining the methodologies, the Director shall consider, at a minimum, all of the following factors: population indicators, poverty rates, health workforce shortage statistics, relevant emerging behavioral health trends, and the amounts of fiscal year 2025 awards made to each board of alcohol, drug addiction, and mental health services for related programs that are eligible uses of the state block grant funds.

(E) A portion of the foregoing appropriation item 336406, Prevention and Wellness, shall be used to create a Prevention State Block Grant that boards of alcohol, drug addiction, and mental health services shall use to fund the provision of

evidence-based or evidence-informed early intervention, suicide prevention, and other prevention services.

The Director of Behavioral Health shall establish allowable uses for the Prevention State Block Grant that include, but are not limited to, all of the following:

(1) Prevention across the lifespan;

(2) Suicide prevention across the lifespan;

(3) Early intervention;

(4) Cross-system collaborative effort to address prevention needs in the community.

(F) A portion of the foregoing appropriation item 336407, Crisis Services and Stabilization, shall be used to create a Crisis Services State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of crisis services and supports.

The Director of Behavioral Health shall establish allowable uses for the Crisis Services State Block Grant that include, but are not limited to, all of the following:

(1) Substance use and mental health crisis stabilization centers;

(2) Crisis stabilization and crisis prevention services and supports;

(3) Cross-systems collaborative efforts to address crisis services needs in the community.

(G) A portion of the foregoing appropriation item 336421, Continuum of Care Services, shall be used to create a Mental Health State Block Grant that shall be used by boards of

alcohol, drug addiction, and mental health services to fund the provision of mental health services and recovery supports.

The Director of Behavioral Health shall establish allowable uses for the Mental Health State Block Grant that include, but are not limited to, all of the following:

(1) Mental health services, including the treatment of indigent mentally ill persons subject to court order in hospitals or inpatient units licensed by the Department of Behavioral Health under section 5119.33 of the Revised Code;

(2) Cross-system collaborative efforts to serve adults with serious mental illness who are involved in multiple human services or criminal justice systems;

(3) Other initiatives designed to address mental health needs.

(H) A portion of the foregoing appropriation item 336421, Continuum of Care Services, shall also be used to create a Substance Use Disorder State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of alcohol and drug addiction services and recovery supports.

The Director of Behavioral Health shall establish allowable uses for the Substance Use Disorder State Block Grant that include, but are not limited to, all of the following:

(1) Initiatives concerning alcohol and drug addiction services;

(2) Substance use stabilization centers;

(3) Cross-system collaborative efforts to address substance use disorder needs in the community.

(I) A portion of the foregoing appropriation item 336421, Continuum of Care Services, shall be used to create a Recovery Supports State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of recovery supports.

The Director of Behavioral Health shall establish allowable uses for the Recovery Supports State Block Grant that include, but are not limited to, all of the following:

(1) Subsidized support for psychotropic and substance use disorder treatment medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication;

(2) Peer support;

(3) Operational expenses and minor facility improvements to class two and class three residential facilities licensed under section 5119.34 of the Revised Code and recovery housing residences;

(4) Community reintegration supports;

(5) Cross-system collaborative efforts to address recovery support needs in the community.

(J) A portion of the foregoing appropriation item 336422, Criminal Justice Services, shall be used to create a Criminal Justice State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of services and supports to incarcerated individuals and individuals being discharged from prisons and jails.

The Director of Behavioral Health shall establish allowable uses for the Criminal Justice State Block Grant that

include, but are not limited to, all of the following:

(1) Medication-assisted treatment and treatment involving drugs used in withdrawal management or detoxification;

(2) Community reintegration supports;

(3) Substance use disorder treatment and mental health treatment, including the provision of such treatment as an alternative to incarceration, as well as recovery supports;

(4) Forensic monitoring and tracking of individuals on conditional release;

(5) Forensic and crisis response training;

(6) Projects that assist courts and law enforcement in identifying and developing appropriate alternative services to incarceration for nonviolent offenders with mental illness;

(7) The provision of services to incarcerated individuals in jails with a substance use disorder, severe mental illness, or both, including screening and clinically appropriate treatment;

(8) Linkages to, and the provision of, substance use disorder treatment, mental health treatment, recovery supports, and specialized re-entry services for incarcerated individuals leaving prisons and jails;

(9) The support of specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts, community addiction services providers, and community mental health services providers;

(10) Cross-system collaborative efforts to address the needs of individuals involved in the criminal justice system.

Section 337.30. PREVENTION AND WELLNESS

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows:

(A) Up to $3,000,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Prevention State Block Grant established in division (E) of Section 337.20 of this act.

(B) Up to $2,500,000 in each fiscal year shall be used to support suicide prevention efforts.

(C) Up to $2,150,000 in each fiscal year shall be used to increase access to early identification and prevention of behavioral health disorders across the lifespan.

Section 337.40. ACTION RESILIENCY NETWORK

The foregoing appropriation item 336409, State of Ohio Action Resiliency Network, shall be used by the Department of Behavioral Health for the State of Ohio Action for Resiliency Network and a strategic research agenda and capacity needed to conduct research, clinical trials, direct care, telehealth, data collection, and workforce training pertaining to innovative practices in behavioral prevention, harm reduction, treatment, and recovery.

Section 337.50. HOSPITAL SERVICES

The foregoing appropriation item 336412, Hospital Services, may be used for any of the following purposes:

(A) Supporting all operations related to the hospitals

established, controlled, or supervised by the Department of Behavioral Health under Chapter 5119. of the Revised Code;

(B) Supporting physical environments that are designed for patients to receive assessment, evaluation, and stabilization interventions within general hospitals;

(C) Establishing and operating the Pretrial Behavioral Health Intervention Pilot Program established in Section 751.10 of this act;

(D) Providing jails and associated health care providers with access to telehealth consultations with psychiatric specialists, such as psychiatrists and psychiatric nurse practitioners.

Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Behavioral Health pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.70. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) Up to $69,500,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Mental Health State Block Grant

established in division (G) of Section 337.20 of this act;

(B) Up to $9,500,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Substance Use Disorder State Block Grant established in division (H) of Section 337.20 of this act;

(C) Up to $19,500,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Recovery Supports State Block Grant established in division (I) of Section 337.20 of this act;

(D) Of the foregoing appropriation item 336421, Continuum of Care Services, up to $4,000,000 in each fiscal year shall be used to expand statewide access to rapid mobile response and stabilization services provided to youth experiencing an emotional or behavioral health crisis and their families;

(E) Up to $455,000 in each fiscal year shall be used to implement sections 5119.39 to 5119.397 of the Revised Code;

(F) Up to $400,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention; and

(G) $225,000 in each fiscal year shall be allocated to LifeTown Columbus to provide additional support for facility renovations and operations, including professional development, curriculum development, education materials, equipment, marketing, and recruitment.

Section 337.80. CRIMINAL JUSTICE SERVICES

(A) Of the foregoing appropriation item 336422, Criminal Justice Services, up to $6,800,000 in each fiscal year shall be

allocated to boards of alcohol, drug addiction, and mental health services through the Criminal Justice State Block Grant established in division (J) of Section 337.20 of this act.

(B) Of the foregoing appropriation item 336422, Criminal Justice Services, up to $5,250,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code.

(C) The remainder of appropriation item 336422, Criminal Justice Services, shall be used for all of the following:

(1) The provision of forensic psychiatric evaluations to courts of common pleas;

(2) The completion of evaluations of patients of forensic status in facilities operated or designated by the Department of Behavioral Health prior to each patient's conditional release to the community;

(3) Workforce, training, and technological initiatives that support the items specified in divisions (C)(1) and (2) of this section;

(4) Support therapeutic communities;

(5) Provide forensic and crisis response training;

(6) Establish and administer outpatient and jail-based competency restoration services;

(7) Establish and administer pre-trial diversion programs;

(8) Support assisted outpatient treatment programs;

(9) Link and provide behavioral health treatment and recovery supports, including housing assistance, to incarcerated individuals with a substance use disorder, severe mental

illness, or both, upon their release from jail or prison;

(10) Support jail-based treatment and symptom management;

(11) Support specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts and community addiction services providers and community mental health services providers;

(12) Establish and administer outpatient competency restoration services. The services shall be provided by forensic centers described in section 5119.10 of the Revised Code or, to the extent a forensic center in a community does not provide outpatient competency restoration services, a psychiatric program or facility selected by a board of alcohol, drug addiction, and mental health services to provide such services.

Section 337.90. SPECIALIZED DOCKET SUPPORT

(A) Except as otherwise provided in this section, the foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with treatment services and recovery supports for participants.

(B) To be eligible, the specialized docket must have received Supreme Court of Ohio initial or final certification and include participants with behavioral health needs in its

target population.

(C) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Behavioral Health shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(D) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 337.100. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Behavioral Health to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The

Director shall have discretion to provide funds from this appropriation item to private not-for-profit entities in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of funds from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying the following: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to $3,000,000 in each fiscal year shall be used to support workforce development initiatives.

Of the foregoing appropriation item 336504, Community Innovations, up to $1,500,000 in each fiscal year shall be used to provide behavioral health access and opportunities.

Of the foregoing appropriation item 336504, Community Innovations, up to $3,000,000 in each fiscal year shall be used to support the creation and expansion of programs established by peer-run organizations in this state for the purpose of offering individuals with a mental illness, or a mental illness and co-occurring substance use disorder, opportunities for employment, housing, education, and access to medical and psychiatric services. Programs and facilities shall be operated in accordance with model standards and benchmarks selected by the

Department of Behavioral Health.

Of the foregoing appropriation item 336504, Community Innovations, up to $15,000,000 in fiscal year 2026 shall be used to support the coordination of care across the behavioral health continuum and enhance patient care by establishing and sustaining health information systems for providers licensed or certified by the Department of Behavioral Health.

Section 337.110. RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Behavioral Health to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code.

Section 337.115. APPALACHIAN CHILDREN COALITION

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio.

Section 337.120. MEDICAID SUPPORT

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

Section 337.130. 9-8-8 LIFELINE

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L.

No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.

(B) The foregoing appropriation items 336661, 988 Suicide and Crisis Response, and 336668, 988 Suicide and Crisis Response, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response.

Section 337.140. COORDINATED SPECIALTY CARE FOR FIRST EPISODE PSYCHOSIS

Of the foregoing appropriation item 336667, Treatment, Prevention, and Education, up to $2,400,000 in each fiscal year may be used to support coordinated specialty care (CSC) for individuals experiencing first episode psychosis (FEP) and receiving care from a CSC for FEP team housed within a provider certified or licensed by the Department of Behavioral Health.

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Behavioral Health.

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM

The foregoing appropriation item 336645, Transcranial Magnetic Stimulation Program, shall be used for the Electroencephalogram (EEG) Combined Transcranial Magnetic Stimulation Program as described in section 5119.20 of the Revised Code.

Section 337.170. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Behavioral Health. The transferred cash is hereby appropriated.

The Department of Behavioral Health shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Behavioral Health shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM

(A) The Department of Behavioral Health, in coordination with local, state, and federal government entities, shall assist with the development and implementation of a statewide system of mobile crisis services for adults and children.

(B) The development of a statewide mobile crisis system is contingent on the availability of state and federal funding. Should state and federal funding be insufficient for the development of a full system or limit the extent to which the system can be developed, the Department shall determine whether and to what extent pilot projects or other initiatives for the provision of mobile crisis services could be implemented.

Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS

The ability of the Department of Behavioral Health to establish a process and standards for the state certification of certified community behavioral health clinics under section 5119.211 of the Revised Code is contingent on the availability of state and federal funding. Should state or federal funding be insufficient for the state certification of certified community behavioral health clinics, the Department shall determine whether and to what extent pilot projects or other initiatives to support an integrated care approach for the provision of substance use disorder treatment and mental health treatment could be implemented.

Section 339.10.

1	2	3	4	5
A		MIH COMMISSION ON MINORITY HEALTH		
B	General Revenue Fund			
C	GRF	149321 Operating Expenses	$844,088	$855,455
D	GRF	149501 Demonstration Grants	$1,352,000	$1,352,000

E	GRF	149502	Lupus Program	$118,000	$118,000	
F	GRF	149503	Infant Mortality Health Grants	$4,970,489	$4,974,489	
G	General Revenue Fund Total			$7,284,577	$7,299,944	
H	Dedicated Purpose Fund Group					
I	4C20	149601	Minority Health Conference	$35,000	$35,000	
J	Dedicated Purpose Fund Group Total			$35,000	$35,000	
K	Federal Fund Group					
L	3J90	149405	Healthier Communities	$1,000,000	$1,000,000	
M	Federal Fund Group Total			$1,000,000	$1,000,000	
N	TOTAL ALL BUDGET FUND GROUPS			$8,319,577	$8,334,944	

Section 341.10. 108331
108332

1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD			
B	Dedicated Purpose Fund Group			
C	4K90	865601	Operating Expenses	$781,067	$821,804
D	Dedicated Purpose Fund Group Total			$781,067	$821,804
E	TOTAL ALL BUDGET FUND GROUPS			$781,067	$821,804

Section 343.10. 108333
108334

1	2	3	4	5
A		DNR DEPARTMENT OF NATURAL RESOURCES		
B	General Revenue Fund			
C	GRF	725401 Division of Wildlife - Operating Subsidy	$1,700,000	$1,700,000
D	GRF	725413 Parks and Recreational Facilities Lease Rental Bond Payments	$57,500,000	$76,500,000
E	GRF	725456 Canal Lands	$118,000	$118,000
F	GRF	725459 Buckeye State Tree Nursery	$1,134,650	$1,134,650
G	GRF	725460 LWCF Recreation Lands	$262,646	$266,995
H	GRF	725505 Healthy Lake Erie Program	$931,976	$939,077
I	GRF	725507 Coal and Mine Safety Programs	$3,222,147	$3,297,340
J	GRF	725903 Natural Resources General Obligation Bond Debt Service	$14,300,000	$14,300,000
K	GRF	727321 Division of Forestry	$10,216,231	$10,437,678
L	GRF	729321 Office of Information Technology	$576,055	$593,337

M	GRF	730321	Parks and Recreation	$55,000,000	$55,000,000
N	GRF	736321	Division of Engineering	$2,531,760	$2,576,358
O	GRF	737321	Division of Water Resources	$2,752,230	$2,803,759
P	GRF	738321	Office of Real Estate and Land Management	$1,038,539	$1,060,089
Q	GRF	741321	Division of Natural Areas and Preserves	$5,104,211	$5,205,199
R	General Revenue Fund Total			$156,388,445	$175,932,482
S	Dedicated Purpose Fund Group				
T	2270	725406	Parks Projects Personnel	$4,831,529	$4,976,475
U	4300	725671	Canal Lands	$479,012	$479,012
V	4S90	725622	NatureWorks Personnel	$317,806	$327,341
W	4U60	725668	Scenic Rivers Protection	$58,860	$58,860
X	5090	725602	State Forest	$10,852,951	$11,010,594
Y	5110	725646	Ohio Geological Mapping	$6,123,647	$6,323,883
Z	5120	725605	State Parks Operations	$43,122,931	$43,358,465
AA	5140	725606	Lake Erie Shoreline	$1,694,771	$1,732,863
AB	5160	725620	Water Management	$3,256,522	$3,562,000

AC	5180	725643	Oil and Gas Regulation and Safety	$31,230,432	$31,784,411
AD	5180	725677	Oil and Gas Well Plugging	$47,734,902	$48,022,027
AE	5210	725627	Off-Road Vehicle Trails	$1,781,723	$286,068
AF	5220	725656	Natural Areas and Preserves	$585,191	$600,500
AG	5290	725639	Mining Regulation and Safety	$4,004,552	$4,090,096
AH	5310	725648	Reclamation Forfeiture	$195,573	$195,579
AI	5BJ1	7256A6	State Park Land Royalties	$20,000,000	$20,000,000
AJ	5BJ1	7256A7	Wildlife Area Land Royalties	$3,000,000	$0
AK	5EL0	725612	Wildlife Law Enforcement	$11,826	$11,826
AL	5HK0	725625	Ohio Nature Preserves	$9,239	$9,239
AM	5LD0	725458	Oil and Gas Leasing Commission	$10,000	$10,000
AN	5P20	725634	Wildlife Boater Angler Administration	$5,968,330	$5,968,330
AO	5TD0	725514	Park Maintenance	$1,540,331	$1,540,331
AP	6150	725661	Dam Safety	$5,673,950	$6,473,950
AQ	6970	725670	Submerged Lands	$667,210	$679,080

AR	6H20	725681	H2Ohio	$46,622,268	$46,622,268
AS	7015	740401	Division of Wildlife Conservation	$84,946,128	$87,919,242
AT	7086	725414	Waterways Improvement	$5,782,184	$5,880,807
AU	7086	739401	Watercraft Operations	$28,432,898	$28,922,532
AV	8150	725636	Cooperative Management Projects	$625,271	$625,271
AW	8160	725649	Wetlands Habitat	$659,691	$659,691
AX	8170	725655	Wildlife Conservation Checkoff	$1,923,060	$1,923,060
AY	8180	725629	Cooperative Fisheries Research	$1,500,000	$1,500,000
AZ	8190	725685	Ohio River Management	$43,786	$43,786
BA	81B0	725688	Wildlife Habitats	$1,359,102	$1,359,102
BB	Dedicated Purpose Fund Group Total			$365,045,676	$366,956,689
BC	Internal Service Activity Fund Group				
BD	1550	725601	Departmental Projects	$1,566,470	$1,586,980
BE	1570	725651	Program Support	$26,713,040	$27,292,005
BF	5100	725631	Maintenance - State-owned Residences	$43,713	$43,713

BG			Internal Service Activity Fund Group Total	$28,323,223	$28,922,698
BH			Capital Projects Fund Group		
BI	7061	725405	Clean Ohio Trail Operating	$267,307	$273,030
BJ			Capital Projects Fund Group Total	$267,307	$273,030
BK			Fiduciary Fund Group		
BL	5ZT0	7256A2	State Park Lodges Maintenance and Repair	$11,950,641	$11,950,641
BM			Fiduciary Fund Group Total	$11,950,641	$11,950,641
BN			Holding Account Fund Group		
BO	R017	725659	Performance Cash Bond Refunds	$450,999	$450,999
BP	R043	725624	Forestry	$2,104,919	$2,104,919
BQ			Holding Account Fund Group Total	$2,555,918	$2,555,918
BR			Federal Fund Group		
BS	3320	725669	Federal Mine Safety Grant	$306,979	$316,189
BT	3B30	725640	Federal Forest Pass-Thru	$419,535	$419,535
BU	3B40	725641	Federal Flood Pass-Thru	$106,648	$106,648
BV	3B50	725645	Federal Abandoned Mine	$69,114,806	$69,268,735

			Lands		
BW	3B60	725653	Federal Land and Water Conservation Grants	$10,800,000	$25,800,000
BX	3B70	725654	Reclamation - Regulatory	$1,311,309	$1,340,625
BY	3IR0	7256A5	Long Term Abandoned Mine Land Reclamation	$100,000	$100,000
BZ	3P10	725632	Geological Survey - Federal	$805,102	$786,700
CA	3P20	725642	Oil and Gas - Federal	$20,109,957	$20,115,008
CB	3P20	725698	Oil And Gas - Federal Orphan Well Plug	$22,363,120	$22,363,120
CC	3P30	725650	Coastal Management - Federal	$3,953,487	$4,013,587
CD	3P40	725660	Federal - Soil and Water Resources	$416,420	$422,292
CE	3R50	725673	Acid Mine Drainage Abatement/Treatment	$860,489	$860,489
CF	3Z50	725657	Federal Recreation and Trails	$1,122,594	$1,127,603
CG	Federal Fund Group Total			$131,790,446	$147,040,531
CH	TOTAL ALL BUDGET FUND GROUPS			$696,321,656	$733,631,989

Section 343.20. PROGRAM SUPPORT FUND 108335

The Department of Natural Resources shall use a methodology for determining each division's payments into the Program Support Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the

Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

Section 343.30. WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

NATUREWORKS CAPITAL EXPENSES FUND

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 using an intrastate transfer voucher.

PARK MAINTENANCE

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to $2,200,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources

in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

Section 343.60. (A) As used in this section:

(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities, projects, or improvements described in division (B)(1) of section 1501.011 of the Revised Code. "Capital facility project" does not include the construction of a new facility, structure, or lodge.

(B) Notwithstanding section 123.21 of the Revised Code or any other provision of law to the contrary, for fiscal years 2026 and 2027, the Department of Natural Resources may locally administer any capital facility project commenced within those fiscal years, regardless of estimated cost.

(C) The Department shall do both of the following regarding a capital facility project that is locally administered:

(1) Comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code;

(2) Track all project information in the Ohio Administrative Knowledge System capital improvements application pursuant to Ohio Facilities Construction Commission guidelines as though the Department is administering the project pursuant to section 123.211 of the Revised Code and all generally applicable laws.

(D) Nothing in this section interferes with the powers of the Department of Natural Resources authorized in Chapter 1501. of the Revised Code.

Section 345.10.

1	2	3	4	5
A		NUR STATE BOARD OF NURSING		
B	Dedicated Purpose Fund Group			
C	4K90	884609 Operating Expenses	$13,033,034	$13,491,425
D	5AC0	884602 Nurse Education Grant Program	$1,350,000	$1,350,000
E	Dedicated Purpose Fund Group Total		$14,383,034	$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS		$14,383,034	$14,841,425

Section 347.10.

1	2	3	4	5
A		PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD		
B	Dedicated Purpose Fund Group			
C	4K90	890609 Operating Expenses	$1,352,852	$1,434,859
D	Dedicated Purpose Fund Group Total		$1,352,852	$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS		$1,352,852	$1,434,859

Section 353.10. 108459
108460

1	2	3	4	5
A		OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY		
B	General Revenue Fund			
C	GRF	415402 Independent Living Council	$252,000	$252,000
D	GRF	415406 Assistive Technology	$26,000	$26,000
E	GRF	415431 Brain Injury	$550,000	$550,000
F	GRF	415506 Services for Individuals with Disabilities	$40,015,000	$40,015,000
G	GRF	415508 Services for the Deaf	$527,000	$527,000
H	GRF	415511 Centers for Independent Living	$1,500,000	$1,500,000
I	GRF	415512 Visually Impaired Reading Services	$50,000	$50,000
J	GRF	415513 Accessible Ohio	$1,000,000	$1,000,000
K	General Revenue Fund Total		$43,920,000	$43,920,000
L	Dedicated Purpose Fund Group			
M	4670	415609 Business Enterprise Operating Expenses	$913,127	$918,806

N	4680	415618	Third Party Services Funding	$3,725,233	$3,725,233
O	4L10	415619	Services for Rehabilitation	$2,000,000	$2,000,000
P	Dedicated Purpose Fund Group Total			$6,638,360	$6,644,039
Q	Internal Service Activity Fund Group				
R	4W50	415606	Program Management	$17,083,462	$17,539,339
S	Internal Service Activity Fund Group Total			$17,083,462	$17,539,339
T	Federal Fund Group				
U	3170	415620	Disability Determination	$88,981,907	$90,733,204
V	3790	415616	Federal-Vocational Rehabilitation	$170,000,000	$175,100,000
W	3GH0	415602	Personal Care Assistance	$3,995,399	$4,017,337
X	3GH0	415604	Community Centers for the Deaf	$772,420	$772,420
Y	3GH0	415613	Independent Living	$2,737,411	$2,737,411
Z	3GH0	415627	Independent Living Projects	$100,000	$100,000
AA	3IL0	415629	Works4Me Disability Innovation Fund Grant	$2,300,000	$2,300,000

AB	3L40	415615	Federal-Supported Employment	$1,200,000 $1,200,000
AC	3L40	415617	Independent Living Older Blind	$2,567,746 $2,908,622
AD	Federal Fund Group Total			$272,654,883 $279,868,994
AE	TOTAL ALL BUDGET FUND GROUPS			$340,296,705 $347,972,372

Section 353.20. INDEPENDENT LIVING

The foregoing appropriation item 415402, Independent Living Council, shall be provided to the Ohio Statewide Independent Living Council to support its operations under the State Plan for Independent Living.

Of the foregoing appropriation item 415511, Centers for Independent Living, the amount needed in each fiscal year for state matching funds for the Federal Independent Living Grant shall be provided to support the state independent living programs and centers under Title VII of the federal "Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended by the Rehabilitation Act Amendments of 1992 and known as the federal Independent Living Services and Centers for Independent Living.

Of the foregoing appropriation item 415511, Centers for Independent Living, up to $1,355,608 in each fiscal year may be used as state matching funds to provide vocational rehabilitation services to Ohioans with disabilities.

Of the foregoing appropriation item 415511, Centers for Independent Living, $74,124 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation

and expansion activities.

The foregoing appropriation item 415613, Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the state of Ohio.

BRAIN INJURY

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.

VISUALLY IMPAIRED READING SERVICES

The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.

SIGHT CENTERS

Of the foregoing appropriation item 415617, Independent Living Older Blind, $30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and

the Sight Center of Northwest Ohio to provide outreach to the community of individuals with blindness or low vision.

Section 361.10.

1	2	3	4	5
A		PEN PENSION SUBSIDIES		
B	General Revenue Fund			
C	GRF 090524	Police and Fire Disability Pension Fund	$300	$300
D	GRF 090534	Police and Fire Ad Hoc Cost of Living	$14,000	$14,000
E	GRF 090554	Police and Fire Survivor Benefits	$138,000	$138,000
F	GRF 090575	Police and Fire Death Benefits	$40,000,000	$40,000,000
G	General Revenue Fund Total		$40,152,300	$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS		$40,152,300	$40,152,300

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised

Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2026 or 2027, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary

to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

Section 363.10.

1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD			
B	Dedicated Purpose Fund Group			
C	6910	810632 Petroleum Underground Storage Tank Release Compensation Board - Operating	$1,778,594	$1,910,092
D	Dedicated Purpose Fund Group Total		$1,778,594	$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS		$1,778,594	$1,910,092

Section 367.10.

1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY			
B	Dedicated Purpose Fund Group			
C	4A50	887605 Drug Law Enforcement	$50,000	$50,000
D	4K90	658605 OARRS Integration - State	$207,657	$208,860

E	4K90	887609	Operating Expenses	$13,773,784	$14,491,459
F	5SG0	887612	Drug Database	$2,826,000	$2,865,000
G	Dedicated Purpose Fund Group Total			$16,857,441	$17,615,319
H	Federal Fund Group				
I	3HD0	887614	Pharmacy Federal Grants	$2,094,643	$2,111,622
J	3HH0	658601	OARRS Integration - Federal	$642,117	$645,729
K	Federal Fund Group Total			$2,736,760	$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS			$19,594,201	$20,372,670

Section 367.20.

CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND

Upon the request of the Executive Director of the State Board of Pharmacy, the Director of Budget and Management may transfer up to $2,745,500 in cash in each fiscal year from the Medical Marijuana Control Program Fund (Fund 5SY0), used by the Department of Commerce, to the Drug Database Fund (Fund 5SG0), used by the State Board of Pharmacy.

Section 369.10.

1	2	3	4	5
A		PSY	STATE BOARD OF PSYCHOLOGY	

B	Dedicated Purpose Fund Group				
C	4K90	882609	Operating Expenses	$975,010	$1,011,722
D	Dedicated Purpose Fund Group Total			$975,010	$1,011,722
E	TOTAL ALL BUDGET FUND GROUPS			$975,010	$1,011,722

Section 371.10. 108571
108572

1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION			
B	General Revenue Fund			
C	GRF	019401	State Legal Defense Services	$13,227,100	$13,467,000
D	GRF	019406	Northwest Regional Hub Support	$3,350,000	$3,350,000
E	GRF	019501	County Reimbursement	$173,719,360	$178,930,940
F	General Revenue Fund Total			$190,296,460	$195,747,940
G	Dedicated Purpose Fund Group				
H	1010	019607	Juvenile Legal Assistance	$217,456	$223,980
I	4060	019603	Training and Publications	$75,000	$75,000
J	4070	019604	County Representation	$375,000	$375,000
K	4080	019605	Client Payments	$800,000	$800,000

L	4C70	019601	Multi-County: County Share	$594,900	$624,300
M	4N90	019613	Gifts and Grants	$13,400	$13,400
N	5740	019606	Civil Legal Aid	$38,000,000	$34,000,000
O	5CX0	019617	Civil Case Filing Fee	$620,000	$620,000
P	5DY0	019618	Indigent Defense Support - County Share	$22,908,000	$22,908,000
Q	5DY0	019619	Indigent Defense Support - State Office	$4,692,000	$4,692,000
R	Dedicated Purpose Fund Group Total			$68,295,756	$64,331,680
S	Federal Fund Group				
T	3IQ0	019626	Reforming Reentry Program	$350,000	$85,321
U	3S80	019608	Federal Representation	$38,300	$38,300
V	Federal Fund Group Total			$388,300	$123,621
W	TOTAL ALL BUDGET FUND GROUPS			$258,980,516	$260,203,241

Section 371.20. STATE LEGAL DEFENSE SERVICES

Of the foregoing appropriation item 019401, State Legal Defense Services, up to $50,000 in each fiscal year, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio

Public Defender to provide indigent defense services.

INDIGENT DEFENSE SUPPORT

The foregoing appropriation item 019501, County Reimbursement, shall be used to reimburse counties for the costs of operating county public defender offices, joint county public defender offices and county appointed counsel systems, the counties' costs and expenses of conducting the defense in capital cases, the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code, and the costs and expenses of contracting with the state public defender or with any nonprofit organization to provide legal representation to indigent persons. The counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code shall be reimbursed at an hourly rate not to exceed $75 per hour, except that the counties' costs and expenses of conducting the defense in capital cases shall be reimbursed at an hourly rate not to exceed $140 per hour.

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $1,000,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies as follows: $500,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and $250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall

be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

COUNTY INDIGENT DEFENSE BUDGETS

Not later than July 31, 2026, each county through its county commission shall submit a biannual indigent defense cost projection report to the Ohio Public Defender. The report shall contain data on the most current projected costs of the indigent defense services in the county for the next two upcoming state fiscal years at the time of submission.

Section 371.30. NORTHWEST REGIONAL HUB

(A) In fiscal year 2026 and fiscal year 2027, the Ohio Public Defender shall create the Northwest Regional Hub pilot program to provide indigent defense services in the counties that elect to join, in lieu of managing those services directly and applying for reimbursement.

(B) The following counties may elect to participate in the Northwest Regional Hub, and no other counties are permitted to participate:

(1) Allen County;

(2) Hardin County;

(3) Putnam County.

(C) On or after the effective date of this section, any county listed in division (B) of this section may elect, by

resolution, to become part of the Northwest Regional Hub and thereby transfer administration of the county's indigent defense system to the Ohio Public Defender for the period of the pilot program.

(D) If a county elects to become part of the Northwest Regional Hub and transfer indigent defense services to the Ohio Public Defender pursuant to this section, the Ohio Public Defender shall assume responsibility for representation of indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, to the extent that representation is not provided by outside counsel in accordance with section 120.33 of the Revised Code.

(E)(1) The Ohio Public Defender shall consult with the county commissioners, judiciary, and local attorneys in counties that have opted to participate in the Northwest Regional Hub to determine the number of indigent defense cases the public defender will handle directly.

(2) Except as provided in division (E)(4) of this section, in a county that elects to participate in the Northwest Regional Hub, the Ohio Public Defender shall provide direct representation to indigent defendants in not more than eighty per cent of indigent defense cases.

(3) In cases where the Ohio Public Defender does not provide direct representation, the court shall appoint counsel in accordance with section 120.33 of the Revised Code.

(4) If the Ohio Public Defender, in consultation with the county commissioners, judiciary, and local attorneys, determines that there is insufficient local counsel available to fill an appointment under division (E)(3) of this section, the Ohio

Public Defender shall provide direct representation in the case.

(F) A county that wishes to withdraw from the Northwest Regional Hub and resume responsibility for the delivery of indigent defense services shall do all of the following:

(1) Hold a public meeting regarding the withdrawal and provide notice to all of the following, seven or more days before the meeting:

(a) The local bar association;

(b) Every judge serving in the county;

(c) The county prosecutor;

(d) The county public defender;

(e) Every attorney who is on the court's roster for appointment to provide indigent defense in accordance with section 120.33 of the Revised Code.

(2) Provide the Ohio Public Defender with a copy of the resolution electing to withdraw.

(G) When a county transfers indigent defense services to the Ohio Public Defender pursuant to this section, and the transferring county operates a county public defender office at the time of the transfer, the employees of the transferring county public defender may be transferred to employees of the Ohio Public Defender as the Ohio Public Defender determines to be necessary for successful implementation of this section, to the extent possible, with no loss of service credit.

NORTHWEST REGIONAL HUB SUPPORT

The foregoing appropriation item 019406, Northwest Regional Hub Support, shall be used by the Ohio Public Defender

to pay for all the costs of providing indigent defense services in counties that have transferred administration of those services pursuant to this section. Expenses may include the cost of operating public defender offices, reimbursement of expenses of court appointed counsel, and other associated costs of providing legal representation to indigent persons as covered by section 120.04 of the Revised Code.

Section 373.10.

1	2	3	4	5
A		DPS DEPARTMENT OF PUBLIC SAFETY		
B	General Revenue Fund			
C	GRF 761403	Recovery Ohio Law Enforcement	$6,000,000	$6,000,000
D	GRF 761411	Ohio Narcotics Intelligence Center	$13,077,345	$13,641,498
E	GRF 763403	EMA Operating	$8,931,000	$9,102,000
F	GRF 763407	State Hazard Mitigation	$1,000,000	$1,000,000
G	GRF 763408	State Disaster Relief	$939,481	$969,481
H	GRF 763513	Security Grants	$8,500,000	$8,500,000
I	GRF 765401	Emergency Medical Services Operating	$5,497,851	$5,768,030
J	GRF 767420	Investigative Unit Operating	$12,554,073	$10,718,860

K	GRF	768425	Justice Program Services	$17,495,430	$17,675,918
L	GRF	768435	Community Police Relations	$2,445,800	$2,607,939
M	GRF	769406	Homeland Security - Operating	$4,946,000	$5,046,000
N	GRF	769407	Driver Safety	$6,425,545	$6,458,591
O	GRF	769412	Ohio School Safety Center	$8,963,284	$9,367,524
P	General Revenue Fund Total			$96,775,809	$96,855,841
Q	Highway Safety Fund Group				
R	5TM0	762321	Operating Expense - BMV	$128,500,000	$129,645,783
S	5TM0	762637	Local Immobilization Reimbursement	$87,000	$90,000
T	5TM0	764321	Operating Expense - Highway Patrol	$404,019,560	$416,140,146
U	5TM0	764605	Motor Carrier Enforcement Expenses	$709,000	$730,000
V	5TM0	769636	Administrative Expenses - Highway Purposes	$56,062,283	$58,959,468
W	8370	764602	Turnpike Policing	$13,652,000	$14,117,000
X	83C0	764630	Contraband, Forfeiture, and Other	$500,000	$500,000

Y	83F0	764657	Law Enforcement Automated Data System	$6,216,213	$6,380,428
Z	83G0	764633	OMVI Enforcement/Education	$156,727	$157,703
AA	83M0	765640	EMS Grants	$2,900,000	$2,900,000
AB	8400	764607	State Fair Security	$1,788,386	$1,842,038
AC	8400	764617	Security and Investigations	$14,376,926	$14,808,233
AD	8400	764626	State Fairgrounds Police Force	$1,031,556	$1,062,502
AE	8460	761625	Motorcycle Safety Education	$4,215,000	$4,220,000
AF	8490	762627	Automated Title Processing Board	$11,000,000	$10,950,000
AG	8490	762630	Electronic Liens and Titles	$2,008,000	$2,008,000
AH	Highway Safety Fund Group Total			$647,222,651	$664,511,301
AI	Dedicated Purpose Fund Group				
AJ	4P60	768601	Justice Program Services	$95,000	$100,000
AK	4V30	763662	EMA Service and Reimbursements	$559,000	$562,000
AL	5390	762614	Motor Vehicle Dealers	$140,000	$140,000

			Board		
AM	5AZ1	761680	eWarrant Local Integration	$2,390,000	$2,405,000
AN	5B90	766632	Private Investigator and Security Guard Provider	$2,134,000	$2,203,000
AO	5BC1	769638	Ohio School Safety and Security Center Training Fees	$100,000	$100,000
AP	5BK0	768687	Criminal Justice Services - Operating	$770,000	$795,000
AQ	5BK0	768689	Family Violence Shelter Programs	$1,550,000	$1,550,000
AR	5ET0	768625	Drug Law Enforcement	$3,750,000	$3,750,000
AS	5FF0	762621	Indigent Interlock and Alcohol Monitoring	$1,400,000	$1,400,000
AT	5LM0	768698	Criminal Justice Services Law Enforcement Support	$850,000	$850,000
AU	5ML0	769635	Infrastructure Protection	$89,000	$91,000
AV	5RH0	767697	OIU Special Projects	$750,000	$750,000
AW	5Y10	764695	State Highway Patrol Continuing Professional Training	$148,000	$148,000

AX	5Y10	767696	Ohio Investigative Unit Continuing Professional Training	$10,000	$10,000
AY	6220	767615	Investigative, Contraband, and Forfeiture	$61,000	$61,000
AZ	6570	763652	Utility Radiological Safety	$1,420,000	$1,467,000
BA	6810	763653	SARA Title III Hazmat Planning	$400,000	$331,000
BB	QG18	761681	Peace Officer Training	$39,960,000	$59,200,000
BC	QG18	767602	Investigative Unit Administration	$9,990,000	$14,800,000
BD	QG18	768623	Local Drug Task Force	$12,487,500	$18,500,000
BE	QG18	769639	Safe Driving Programs	$19,980,000	$29,600,000
BF	Dedicated Purpose Fund Group Total			$99,033,500	$138,813,000
BG	Fiduciary Fund Group				
BH	5J90	761678	Federal Salvage/GSA	$600,000	$600,000
BI	5V10	762682	License Plate Contributions	$2,900,000	$3,000,000
BJ	Fiduciary Fund Group Total			$3,500,000	$3,600,000
BK	Holding Account Fund Group				

BL	R024	762619	Unidentified Motor Vehicle Receipts	$1,641,000	$1,641,000
BM	R052	762623	Security Deposits	$50,000	$50,000
BN	Holding Account Fund Group Total			$1,691,000	$1,691,000
BO	Federal Fund Group				
BP	3370	763515	COVID Relief - Federal	$150,000,000	$150,000,000
BQ	3370	763609	Federal Disaster Relief	$73,500,000	$73,500,000
BR	3FP0	767620	Ohio Investigative Unit Justice Contraband	$10,000	$10,000
BS	3GL0	768619	Justice Assistance Grants	$10,000,000	$10,000,000
BT	3GR0	764693	Highway Patrol Justice Contraband	$227,000	$227,000
BU	3GS0	764694	Highway Patrol Treasury Contraband	$80,000	$80,000
BV	3GT0	767691	Investigative Unit Federal Equity Share	$100,000	$100,000
BW	3GU0	761610	Information and Education Grant	$435,000	$435,000
BX	3GU0	764608	Fatality Analysis Report System Grant	$175,000	$175,000
BY	3GU0	764610	Highway Safety Programs Grant	$5,226,000	$5,333,000

BZ	3GU0	764659	Motor Carrier Safety Assistance Program Grant	$11,242,000	$11,582,000
CA	3GU0	769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	$1,000,000	$1,000,000
CB	3GU0	769631	Homeland Security Disaster Grants	$1,500,000	$1,500,000
CC	3GV0	761612	Traffic Safety Action Plan Grant	$31,625,000	$31,685,000
CD	3L50	768604	Justice Program	$25,000,000	$25,000,000
CE	Federal Fund Group Total			$310,120,000	$310,627,000
CF	TOTAL ALL BUDGET FUND GROUPS			$1,158,342,960	$1,216,098,142

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $2,900,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies.

LOCAL DISASTER ASSISTANCE

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2025 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2026.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2026 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2027.

Section 373.30. SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to $100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for all of the following purposes:

(1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism;

(2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers;

(3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism;

(4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local emergency management agency, or local transportation agency, as applicable;

(5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts.

(B) The Emergency Management Agency shall administer and award the grants described in division (A) of this section. The Agency shall establish procedures and forms by which applicants

may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The Agency shall include information about the grants and the application process on its web site.

(C) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2025 is hereby reappropriated for the same purpose in fiscal year 2026.

(D) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2026 is hereby reappropriated for the same purpose in fiscal year 2027.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to $5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

Of the foregoing appropriation item 768425, Justice Program Services, up to $4,531,000 in each fiscal year shall be used by the Office of Criminal Justice Services to support anti-human trafficking efforts in the areas of prosecution, victim services to specifically include assistance for child victims, and prevention and policy to implement the priorities of the Governor's Ohio Human Trafficking Task Force.

Of the foregoing appropriation item 768425, Justice Program Services, up to $4,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer

and distribute grants to state and local law enforcement agencies to assist local communities in reducing and preventing crime through the use of promising or proven crime reduction strategies. The use of the grants includes, but is not limited to, overtime, equipment, technical assistance, and analytical support to implement crime reduction strategies.

Of the foregoing appropriation item 768425, Justice Program Services, up to $1,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to distribute grants to state and/or local law enforcement to conduct investigations on sexual assault kit testing results and related expenses.

Of the foregoing appropriation item 768425, Justice Program Services, up to $1,000,000 in each fiscal year shall be used to support state and local law enforcement agencies in the recruitment, hiring, and training of qualified individuals to serve as peace officers; to support state and local first responder agencies in mental, physical, and emotional wellness; and to administer and distribute grants to state and local first responder agencies to assist in recruitment, retention, and wellness of their workforce.

Of the foregoing appropriation item 768425, Justice Program Services, up to $200,000 in each fiscal year shall be used by the Office of Criminal Justice Services to implement recommendations of the Governor's Warrant Task Force.

DRIVER TRAINING IN SCHOOLS GRANT PROGRAM

The foregoing appropriation item 769639, Safe Driving Programs, shall be used by the Department of Public Safety, in consultation with the Department of Education and Workforce, to

administer the driver training in schools grant program under section 4508.023 of the Revised Code.

Section 373.40. MOTOR VEHICLE REGISTRATION

The Director of Public Safety may deposit revenues to meet the cash needs of the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code, obtained under section 4503.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this paragraph shall support in part appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, for payment of highway obligations and other statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.

VALIDATION STICKER REQUIREMENTS

Validation stickers are required for the annual registration of passenger, commercial, motorcycle, and other

vehicles and are produced in accordance with section 4503.191 of the Revised Code. Notwithstanding section 4503.191 of the Revised Code, the Registrar of Motor Vehicles may adopt rules authorizing validation stickers to be produced at any location.

OPERATING EXPENSE - HIGHWAY PATROL

Any new revenue derived from an increase of the Highway Safety fee as prescribed in section 4503.10 of the Revised Code that becomes effective with any application for registration or registration renewal received on or after January 1, 2026, shall be used exclusively for the State Highway Patrol.

Section 373.50. CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND – SHIPLEY UPGRADES

Pursuant to a plan submitted by the Director of Public Safety, or as otherwise determined by the Director of Budget and Management, the Director of Budget and Management, upon approval of the Controlling Board, may make appropriate cash transfers on a pro-rata basis as approved by the Director of Budget and Management from other funds used by the Department of Public Safety, excluding the Public Safety Building Fund (Fund 7025), to the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to reimburse expenditures for capital upgrades to the Shipley Building.

CASH BALANCE FUND REVIEW

The Director of Public Safety shall review the cash balances for each fund in the State Highway Safety Fund Group, and may submit a request in writing to the Director of Budget and Management to transfer amounts from any fund in the State Highway Safety Fund Group to the credit of the Public Safety - Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt

of such a request, and subject to the approval of the Controlling Board, the Director of Budget and Management may make appropriate transfers as requested by the Director of Public Safety or as otherwise determined by the Director of Budget and Management.

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING FUND

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management, upon written request of the Director of Public Safety and approval of the Controlling Board, may approve the transfer of cash from the State Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the Security, Investigations and Policing Fund (Fund 8400).

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $450,000 cash from the State Fire Marshal Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30).

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, $250,000 in each fiscal year shall be distributed to the Ohio Task Force One – Urban Search and Rescue Unit to pay for its operating expenses and developing new programs.

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, $200,000 in each fiscal year shall be distributed to the Ohio Task Force One – Urban Search and Rescue

Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency recovery and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept transfers of cash or appropriations from Controlling Board appropriation items to cover costs incurred and to reimburse government entities for Emergency Management Assistance Compact (EMAC) missions;

(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the

federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2026 and 2027, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed $500,000 in any calendar year.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 373.60. COLLECTIVE BARGAINING INCREASES

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. Any money approved

for expenditure under this paragraph is hereby appropriated.

Section 375.10.

1	2	3	4	5
A		PUC PUBLIC UTILITIES COMMISSION OF OHIO		
B	Dedicated Purpose Fund Group			
C	4A30 870614	Grade Crossing Protection Devices - State	$1,200,000	$1,200,000
D	4L80 870617	Pipeline Safety - State	$350,000	$360,000
E	5610 870606	Power Siting Board	$1,100,000	$1,100,000
F	5F60 870622	Utility and Railroad Regulation	$45,851,137	$47,757,281
G	5F60 870624	NARUC/NRRI Subsidy	$45,340	$45,340
H	5LT0 870640	Intrastate Registration	$230,298	$237,207
I	5LT0 870641	Unified Carrier Registration	$451,794	$465,348
J	5LT0 870643	Non-Hazardous Materials Civil Forfeiture	$278,202	$286,548
K	5LT0 870644	Hazardous Materials Civil Forfeiture	$1,167,567	$1,178,594
L	5LT0 870645	Motor Carrier Enforcement	$5,680,962	$5,786,733

M	5Q50	870626	Telecommunications Relay Service	$1,020,000	$1,020,000
N	5QR0	870646	Underground Facilities Protection	$20,000	$20,000
O	5QS0	870647	Underground Facilities Administration	$239,729	$246,776
P	Dedicated Purpose Fund Group Total			$57,635,029	$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	$1,683,226	$1,733,723
S	3500	870608	Motor Carrier Safety	$16,103,547	$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	$750,000	$750,000
U	3ID0	870649	Department of Energy Grid Resiliency	$7,122,706	$7,122,706
V	3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	$300,000	$300,000
W	Federal Fund Group Total			$25,959,479	$26,194,844
X	TOTAL ALL BUDGET FUND GROUPS			$83,594,508	$85,898,671

Section 377.10.

108981

1	2	3	4	5
A		PWC PUBLIC WORKS COMMISSION		
B	General Revenue Fund			
C	GRF 150904	Conservation General Obligation Bond Debt Service	$46,500,000	$39,000,000
D	GRF 150907	Infrastructure Improvement General Obligation Bond Debt Service	$225,000,000	$240,000,000
E	General Revenue Fund Total		$271,500,000	$279,000,000
F	Capital Projects Fund Group			
G	7038 150321	State Capital Improvements Program - Operating Expenses	$974,304	$991,125
H	7056 150403	Clean Ohio Conservation Operating	$324,768	$330,375
I	Capital Projects Fund Group Total		$1,299,072	$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS		$272,799,072	$280,321,500

Section 379.10. 108982

108983

1	2	3	4	5

A			RAC STATE RACING COMMISSION		
B	Dedicated Purpose Fund Group				
C	5620	875601	Thoroughbred Development	$870,555	$873,434
D	5630	875602	Standardbred Development	$1,246,399	$1,246,970
E	5650	875604	Racing Commission Operating	$3,473,682	$3,503,170
F	5JK0	875610	Horse Racing Development - Casino	$10,499,999	$10,499,999
G	5NL0	875611	Revenue Redistribution	$12,800,000	$12,800,000
H	Dedicated Purpose Fund Group Total			$28,890,635	$28,923,573
I	Fiduciary Fund Group				
J	5C40	875607	Simulcast Horse Racing Purse	$3,921,226	$3,921,226
K	Fiduciary Fund Group Total			$3,921,226	$3,921,226
L	Holding Account Fund Group				
M	R021	875605	Bond Reimbursements	$108,700	$108,700
N	Holding Account Fund Group Total			$108,700	$108,700
O	TOTAL ALL BUDGET FUND GROUPS			$32,920,561	$32,953,499

Section 381.10. 108984
108985

	1	2	3	4	5
A			BOR DEPARTMENT OF HIGHER EDUCATION		
B	General Revenue Fund				
C	GRF	235321	Operating Expenses	$9,155,067	$9,331,598
D	GRF	235402	Sea Grants	$308,000	$308,000
E	GRF	235406	Articulation and Transfer	$2,269,500	$2,314,890
F	GRF	235408	Midwest Higher Education Compact	$115,000	$115,000
G	GRF	235413	Computer Science	$4,004,863	$4,006,508
H	GRF	235414	Grants and Scholarship Administration	$922,538	$985,378
I	GRF	235417	Technology Maintenance and Operations	$4,520,396	$4,528,397
J	GRF	235419	Mental Health Support	$10,000,000	$10,000,000
K	GRF	235425	Ohio Work Ready Grant	$10,000,000	$10,000,000
L	GRF	235428	Appalachian New Economy Workforce Partnership	$4,455,000	$4,455,000
M	GRF	235438	Choose Ohio First Scholarship	$34,000,000	$36,000,000
N	GRF	235443	Aspire - State	$7,083,000	$7,083,000

O	GRF	235444	Ohio Technical Centers	$23,138,000	$23,138,000
P	GRF	235474	Area Health Education Centers Program Support	$899,000	$899,000
Q	GRF	235475	Campus Security Support Program	$2,000,000	$2,000,000
R	GRF	235476	Campus Student Safety Grant Program	$1,000,000	$1,000,000
S	GRF	235492	Campus Safety and Training	$656,504	$661,950
T	GRF	235501	State Share of Instruction	$2,119,751,939	$2,119,751,939
U	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	$25,000,000	$30,000,000
V	GRF	235507	OhioLINK	$6,447,000	$6,447,000
W	GRF	235508	Air Force Institute of Technology	$2,000,000	$2,000,000
X	GRF	235510	Ohio Supercomputer Center	$5,086,000	$5,086,000
Y	GRF	235511	The Ohio State University Extension Service	$25,504,000	$25,504,000
Z	GRF	235514	Central State Supplement	$12,768,910	$13,151,977
AA	GRF	235515	Case Western Reserve	$2,100,000	$2,100,000

			University School of Medicine		
AB	GRF	235519	Family Practice	$3,098,000	$3,098,000
AC	GRF	235520	Shawnee State Supplement	$9,270,000	$9,548,100
AD	GRF	235525	Geriatric Medicine	$511,000	$511,000
AE	GRF	235526	Primary Care Residencies	$1,468,000	$1,468,000
AF	GRF	235530	Governor's Merit Scholarship	$47,000,000	$70,000,000
AG	GRF	235533	Program and Project Support	$24,500,000	$10,500,000
AH	GRF	235535	Ohio State Agricultural Research	$37,169,000	$37,169,000
AI	GRF	235536	The Ohio State University Clinical Teaching	$9,461,000	$9,461,000
AJ	GRF	235537	University of Cincinnati Clinical Teaching	$8,085,000	$8,085,000
AK	GRF	235538	University of Toledo Clinical Teaching	$6,065,000	$6,065,000
AL	GRF	235539	Wright State University Clinical Teaching	$4,447,000	$4,447,000
AM	GRF	235540	Ohio University Clinical Teaching	$2,849,000	$2,849,000

AN	GRF	235541	Northeast Ohio Medical University Clinical Teaching	$2,930,000	$2,930,000
AO	GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	$500,000	$500,000
AP	GRF	235546	Central State Agricultural Research and Development	$5,828,000	$5,828,000
AQ	GRF	235548	Central State Cooperative Extension Services	$5,168,000	$5,168,000
AR	GRF	235552	Capital Component	$3,629,566	$3,629,566
AS	GRF	235555	Library Depositories	$1,100,000	$1,100,000
AT	GRF	235556	Ohio Academic Resources Network	$3,568,000	$3,568,000
AU	GRF	235558	Long-term Care Research	$318,000	$318,000
AV	GRF	235563	Ohio College Opportunity Grant	$220,600,000	$207,400,000
AW	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	$20,000,000	$20,000,000
AX	GRF	235572	The Ohio State University Clinic Support	$750,000	$750,000

AY	GRF	235578	Federal Research Network	$5,099,000	$5,099,000
AZ	GRF	235585	Educator Preparation Programs	$2,500,000	$2,500,000
BA	GRF	235591	Co-Op Internship Program	$165,000	$165,000
BB	GRF	235595	Commercial Truck Driver Student Aid Program	$2,550,486	$2,550,651
BC	GRF	235598	Rural University Program	$412,000	$412,000
BD	GRF	235599	National Guard Scholarship Program	$18,399,750	$18,399,750
BE	GRF	2355A1	FAFSA Support Teams	$1,000,000	$1,000,000
BF	GRF	2355A3	Campus Community Grant Program	$1,000,000	$1,000,000
BG	GRF	235909	Higher Education General Obligation Bond Debt Service	$250,000,000	$210,000,000
BH	General Revenue Fund Total			$3,012,625,519	$2,976,386,704
BI	Dedicated Purpose Fund Group				
BJ	2200	235614	Program Approval and Reauthorization	$769,126	$789,679
BK	4560	235603	Sales and Services	$129,725	$133,017
BL	4E80	235602	Higher Educational Facility Commission	$69,839	$73,807

			Administration		
BM	5CJ1	2356A2	Strategic Square Footage Reduction	$82,650,000	$0
BN	5D40	235675	Conference/Special Purposes	$125,000	$125,000
BO	5FR0	235650	State and Non-Federal Grants and Awards	$1,405,944	$1,412,670
BP	5NH0	235517	Talent Ready Grant Program	$10,000,000	$10,000,000
BQ	5P30	235663	Variable Savings Plan	$8,522,034	$8,522,034
BR	5YD0	235494	Second Chance Grant Program	$2,000,000	$2,000,000
BS	5ZY0	235592	Grow Your Own Teacher Program	$7,000,000	$7,000,000
BT	6450	235664	Guaranteed Savings Plan	$1,110,131	$1,110,132
BU	6820	235606	Nursing Loan Program	$1,203,730	$1,210,344
BV	Dedicated Purpose Fund Group Total			$114,985,529	$32,376,683
BW	Bond Research and Development Fund Group				
BX	7014	235639	Research Incentive Third Frontier - Tax	$8,000,000	$8,000,000
BY	Bond Research and Development Fund Group Total			$8,000,000	$8,000,000

BZ	Federal Fund Group				
CA	3120	235611	Gear-up Grant	$2,956,000	$2,956,000
CB	3120	235612	Carl D. Perkins Grant/Plan Administration	$1,371,939	$1,388,525
CC	3120	235641	Aspire - Federal	$18,996,799	$18,996,799
CD	3120	235669	Industry Credential Transfer Assurance Guides Initiative	$300,000	$300,000
CE	3BG0	235651	Gear Up Grant Scholarships	$3,100,000	$3,100,000
CF	3N60	235658	John R. Justice Student Loan Repayment Program	$128,000	$128,000
CG	Federal Fund Group Total			$26,852,738	$26,869,324
CH	TOTAL ALL BUDGET FUND GROUPS			$3,162,463,786	$3,043,632,711

Section 381.20. OPERATING EXPENSES

(A) Of the foregoing appropriation item 235321, Operating Expenses, up to $1,200,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services.

(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to:

(1) Establishing an enterprise security operations center;

(2) Configuration management in the area of data loss prevention;

(3) Endpoint patch and compliance;

(4) Log aggregation;

(5) Web application firewall;

(6) Vulnerability management across the consortium;

(7) Other critical security enhancement services as determined appropriate by the Chancellor.

(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.

SEA GRANTS

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 381.30. ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer

Network Advisory Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.80. COMPUTER SCIENCE

The foregoing appropriation item 235413, Computer Science, shall be used to administer and award grants under the Teach CS Grant Program established in section 3333.129 of the Revised Code.

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, continue the support of the statewide eTutoring program, and for any other strategic priorities of the Chancellor.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, $150,000 in each fiscal year shall be used to support Ohio Reach to provide mentoring and support services to former foster youth attending college.

Section 381.130. MENTAL HEALTH SUPPORT

(A) The foregoing appropriation item 235419, Mental Health Support,shall be used by the Chancellor of Higher Education to provide resources and support to address behavioral health needs

at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code. The Chancellor shall use the funds to prioritize behavioral health services, including, but not limited to, expansion of telehealth options, increased awareness of telephone and text message care line services, expansion of certified peer educator programs, and direct aid to students who are unable to afford care.

(B) In allocating funds under this section, the Chancellor shall consider at least the following factors:

(1) The relative severity of needs expressed and associated risks involved;

(2) The extent to which funds awarded will increase campus-wide knowledge and awareness of available care options;

(3) The extent to which funds awarded will increase access to, and availability of, care options;

(4) The extent to which funds awarded will remove barriers to care options; and

(5) The extent to which funds awarded will be leveraged to create long-term sustainability on campus and support collaborative, community-based programs and initiatives that can be sustained with community resources.

(C) The Chancellor may consult with the Department of Behavioral Health, RecoveryOhio, local and regional behavioral health providers, and other stakeholders as determined by the Chancellor to be appropriate when allocating funds under this section.

(D) An institution receiving funds under this section shall not make changes to mental health support services offered by the institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section. An institution receiving funds under this section shall maintain the same level of mental health support services that the institution provided in the most recent academic year in the aggregate to all students or on a per-student basis.

Section 381.160. OHIO WORK READY GRANT

The foregoing appropriation item 235425, Ohio Work Ready Grant, shall be used by the Chancellor of Higher Education to establish and operate the Ohio Work Ready Grant Program pursuant to section 3333.24 of the Revised Code.

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, $500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center.

The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First

Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.200. ASPIRE

The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program. The funds may be used to support students that speak English as their second language.

Section 381.210. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI)

system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, 20 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of

a program of study as a measure of student retention.

(4) In each fiscal year, 50 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to $48,000 in each fiscal year may be utilized for assistance for Ohio Technical Centers, and up to $3,000,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide customized training and business consultation services with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code, industries in regionally emerging fields, or local businesses and industries. Each center meeting this requirement shall receive at least $25,000 but not more than a maximum amount determined by the

Chancellor.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

CAMPUS SECURITY SUPPORT PROGRAM

The foregoing appropriation item 235475, Campus Security Support Program, shall be distributed by the Chancellor of Higher Education to institutionally sanctioned student organizations affiliated with communities that are at risk for increased threats of violent crime, terror attacks, hate crimes, or harassment to enhance security measures and increase student safety at institutions of higher education throughout the state. A portion of the foregoing appropriation item 235475, Campus Security Support Program, may be used by the Chancellor to administer the program.

CAMPUS STUDENT SAFETY GRANT PROGRAM

The foregoing appropriation item 235476, Campus Student Safety Grant Program, shall be used by the Chancellor of Higher Education to support the Campus Student Safety Grant Program pursuant to section 3333.80 of the Revised Code.

Section 381.230. CAMPUS SAFETY AND TRAINING

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system. A state institution that does not report data for a full academic year for any of the years included in the three-year reporting period for a fiscal year's state share of instruction allocations shall not receive an allocation for that fiscal year unless the Chancellor determines that exceptional circumstances

warrant the institution receiving a full or partial allocation.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2027, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	$12,218	$12,710
C	ARTS AND HUMANITIES 2	$16,282	$16,938

D	ARTS AND HUMANITIES 3	$20,250	$21,066
E	ARTS AND HUMANITIES 4	$28,250	$29,388
F	ARTS AND HUMANITIES 5	$45,031	$46,846
G	ARTS AND HUMANITIES 6	$41,346	$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	$12,297	$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	$12,723	$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	$15,491	$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	$16,941	$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	$23,293	$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	$28,346	$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	$34,425	$35,812
O	DOCTORAL 1	$52,586	$54,705
P	DOCTORAL 2	$57,637	$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	$12,059	$12,545

	MEDICINE 1		
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	$15,367	$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	$17,403	$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	$19,364	$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	$24,715	$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	$21,736	$22,612
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	$28,839	$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	$42,767	$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	$60,542	$62,982

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section.

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section.

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000

I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150

T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (B)(1)(b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and

professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the degree-granting institution shall not be eligible for at-risk weights and shall be limited to 12.5 per cent of the student-specific degree costs. However, the 12.5 per cent limitation shall not apply if the student transferred 12 or fewer credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment for universities, the Chancellor shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of

their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using the Unemployment Wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree

granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that institution after the associate degree is awarded.

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic under-preparation, age, minority status, financial status, or first generation post-secondary status based on neither parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (B)(1)(b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the

doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(c) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of research grant activity. Funding for this component shall be allocated to eligible universities in proportion to their share of research grant activity published by the National Science Foundation. Grant awards from the Department of Health and Human

Services shall be weighted at 50 per cent.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 6.41 per cent of the appropriation for universities, as established in division (B)(1)(b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of Medical II FTEs. The amount so reserved shall be referred to as the medical II set-aside.

The medical II set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical II FTEs as calculated in division (A) of this section.

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.69 per cent of the appropriation for universities, as established in division (B)(1)(b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

In each fiscal year, the medical I set-aside shall be allocated to universities as follows:

(a) 12.34 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of podiatric medicine.

(b) 87.66 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of dentistry and veterinary medicine.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the prior three calendar years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of

this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all models except Medical I and Medical II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (B)(1)(b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (B)(1)(a) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and

technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three-year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (B)(1)(a) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for colleges in proportion to their share of college

student success factors.

Student success factors shall be awarded at the institutional level for each subsidy-eligible student that successfully:

(a) Completes a college-level math course within the first 30 hours of completed coursework.

(b) Completes a college-level English course within the first 30 hours of completed coursework.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (B)(1)(a) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for completion milestones.

Completion milestones shall include baccalaureate degrees, associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college.

The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion milestones awarded to students identified as subsidy eligible in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete a baccalaureate or an associate degree, or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for baccalaureate or associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified

in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (E)(3) of this section.

(5) For purposes of the calculations made in division (E) of this section, the Chancellor shall only include subsidy-eligible students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file. The Chancellor shall be prohibited from including nonresident students as subsidy-eligible except for those students otherwise identified as subsidy-eligible in division (A)(2) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in H.B. 16 of the 126th General Assembly, H.B. 699 of the 126th General Assembly, H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th General Assembly for that campus exceeds that campus's

capital component earnings. Half of the sum of the total amounts of these deductions for the remainder of the program shall be transferred to appropriation item 235552, Capital Component, in each fiscal year, except that the deduction and transfer may be reduced to the extent that appropriation item 235552, Capital Component, is sufficient to cover the payments under division (A) of the section of this act entitled "CAPITAL COMPONENT." If the Chancellor of Higher Education determines that the transfer and deduction from this appropriation item can be reduced, the adjustments shall be completed proportionately to each institution's share of the total.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Chancellor to state colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for

any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year may be based upon the state share of instruction appropriation estimates made for the various institutions of higher education, and payments during the last six months of the fiscal year may be based on the final data from the Chancellor. If agreed to by the Chancellor and the Inter-University Council, payments to universities in each month of a fiscal year shall be based on final data in the higher education information system for the selected three-year period that is acceptable to both parties.

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027

(A)(1) Of the foregoing appropriation item 235501, State Share of Instruction, up to $100,000,000 in each fiscal year shall be distributed according to a formula devised by the Chancellor of Higher Education based on employment and wage outcomes of the graduates of each college and university, using data from the United States Census Post-Secondary Employment Outcomes project. The formula shall use as factors employment and earnings by the graduates of each institution, measured at the 2-digit level of the Classification of Instructional Programs codes published by the National Center for Education Statistics.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to $10,000,000 in each fiscal year shall be distributed according to a formula devised by the Chancellor that provides funding bonuses of $10,000 per graduate for technician-aligned associate degrees, as determined by the Governor's Office of Workforce Transformation, that are produced above a historical baseline of institutional production, as calculated by the Chancellor.

(3) Of the amounts set aside in divisions (A)(1) and (2) of this section for each fiscal year, 76.8 per cent shall be distributed to state-supported university main and regional campuses and 23.2 per cent shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(B)(1) The remainder of the foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS." Of these funds:

(a) 23.2 per cent in each fiscal year shall be distributed to state-supported community colleges, state community colleges, and technical colleges;

(b) 76.8 per cent in each fiscal year shall be distributed to state-supported university main and regional campuses.

(2) Any increases in the amount distributed to an institution from the funds set aside in division (B) of this section that are above the prior year may be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

Section 381.260. RESTRICTION ON FEE INCREASES

(A) In fiscal years 2026 and 2027, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2025-2026 and 2026-2027 academic years, each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than five dollars per credit hour over what the institution charged for the previous academic year.

(2) The limitations under division (A)(1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, and voluntary sales transactions.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional

circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition guarantee pursuant to section 3345.48 of the Revised Code may increase instructional and general fees pursuant to that section.

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each board may authorize a lower differential tuition rate of instructional or general fees equal to the default rate options provided under the College Credit Plus Program pursuant to Chapter 3365. of the Revised Code or equal to rates established pursuant to an agreement for an alternative payment structure pursuant to section 3365.07 of the Revised Code for nonpublic and home schooled students participating in that program that are not publicly funded. Each board may establish a lower differential tuition rate for in-state undergraduate instructional fees or general fees for students enrolled exclusively in online courses, as well as a lower differential tuition rate for the surcharge for nonresidents enrolled exclusively in online courses, provided a surcharge is still assessed.

Each board may authorize a lower tuition rate for courses taken by high school students that do not qualify for funding under the College Credit Plus program under section 3365.07 of the Revised Code. These tuition rates must align with the institution's tuition rates charged for courses eligible for funding under the College Credit Plus Program.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor.

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED VETERANS' CHILDREN SCHOLARSHIPS

The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the

Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The amounts certified for State Share of Instruction reconciliation are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

Section 381.300. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY

(A) Of the foregoing appropriation item 235508, Air Force Institute of Technology, $75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

(B) The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to do both of the following:

(1) Strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and

(2) Support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 381.320. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.340. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State

Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 381.360. FAMILY PRACTICE

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

Section 381.370. SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

Section 381.380. GERIATRIC MEDICINE

The Chancellor of Higher Education shall distribute

appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines.

Section 381.390. PRIMARY CARE RESIDENCIES

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field.

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP

(A) The foregoing appropriation item 235530, Governor's Merit Scholarship, shall be used by the Chancellor of Higher Education to administer the Governor's Merit Scholarship and to award merit-based aid to qualifying institutions on behalf of eligible students. Funds awarded under this section shall be used in a manner consistent with the goal of allowing high-achieving high school graduates to remain in Ohio to pursue their post-secondary studies and contribute to Ohio's expanding economic opportunities.

(B) In awarding funds under this section, and to the extent that funds are sufficient to do so, the Chancellor shall provide per-student awards of $5,000 per academic year to eligible students determined to be in the top five per cent of their public or chartered nonpublic high school graduating class at the end of their junior year, as determined by their public or chartered nonpublic high school using criteria established by the Chancellor in consultation with the Director of Education and Workforce. School districts and chartered nonpublic high schools shall provide the information as requested by the Chancellor to determine scholarship eligibility. Eligible students shall receive an award for up to the equivalent of four

academic years of instruction at a qualifying institution, contingent on satisfactory academic progress.

(C) The Chancellor, in consultation with the Director, shall determine eligibility for graduating high school students who were home schooled to provide a level of access to the program described in this section that is reasonably commensurate with the merit-based criteria used to determine eligibility for students graduating from a public or chartered nonpublic high school.

(D) The Governor's Merit Scholarship shall be used to pay eligible expenses, as determined by the Chancellor, included within the published cost of attendance at a qualifying institution.

(E) A qualifying institution shall not make changes to scholarship or financial aid programs offered by that institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section. Institutions of higher education that enroll students receiving merit-based financial aid grants under this section shall maintain the same level of merit-based financial aid the institution provided in the most recent academic year in the aggregate to all students or on a per-student basis.

(F) Notwithstanding any provision of law to the contrary, the Chancellor may establish guidelines for the purpose of implementing this section.

(G) As used in this section, "qualifying institution" means any of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A private nonprofit institution of higher education holding a certificate of authorization under Chapter 1713. of the Revised Code.

Section 381.410. PROGRAM AND PROJECT SUPPORT

(A) Of the foregoing appropriation item 235533, Program and Project Support, $500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(B) Of the foregoing appropriation item 235533, Program and Project Support, $2,000,000 in each fiscal year shall be distributed to The Ohio State University to support the Salmon P. Chase Center for Civics, Culture, and Society established under section 3335.39 of the Revised Code.

(C) Of the foregoing appropriation item 235533, Program and Project Support, $2,000,000 in each fiscal year shall be distributed to the University of Toledo to support the Institute of American Constitutional Thought and Leadership established under section 3364.07 of the Revised Code.

(D) Of the foregoing appropriation item 235533, Program and Project Support, $2,000,000 in each fiscal year shall be distributed to Miami University to support the center for civics, culture, and society established under section 3339.06 of the Revised Code.

(E) Of the foregoing appropriation item 235533, Program and Project Support, $2,000,000 in each fiscal year shall be distributed to Cleveland State University to support the center for civics, culture, and society established under section 3344.07 of the Revised Code.

(F) Of the foregoing appropriation item 235533, Program

and Project Support, $2,000,000 in each fiscal year shall be distributed to Wright State University to support the center for civics, culture, and workforce development established under section 3352.16 of the Revised Code.

(G) Of the foregoing appropriation item 235533, Program and Project Support, $14,000,000 in fiscal year 2026 shall be distributed to Miami University to establish the Ohio Institute for Quantum Computing Research, Talent, and Commercialization and an urban bridge to Cleveland.

Section 381.415. CENTERS FOR CIVICS, CULTURE AND SOCIETY AND WORKFORCE DEVELOPMENT CONSULTATION

The Chancellor of Higher Education shall consult with the directors, or the directors' designees, of the centers created by sections 3335.39, 3339.06, 3344.07, 3352.16, and 3364.07 of the Revised Code. The consultation shall evaluate the extent to which the centers may be leveraged for the benefit of the entire state.

By March 31, 2026, the directors, or their designees, shall prepare and submit to the Chancellor a summary of recommendations and a plan to achieve maximum statewide benefit, which shall include options to establish programming at other state institutions of higher education such as seminars, lectures, student courses and assisting faculty with curriculum development or sharing of curriculum developed by the centers. In developing the plan and summary of recommendations, the centers shall seek to achieve the broadest geographic coverage possible. Effective July 1, 2026, the Chancellor may require the centers to engage in activities included in their summary of recommendations that are intended to benefit the entire state.

Each center shall use a portion of its funding in each fiscal year to benefit the entire state and shall report in its annual report required by the Revised Code the percentage of its funds used to assist other universities and a summary of the specific types of services and benefits provided.

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH

The foregoing appropriation item 235535, Ohio State Agricultural Research, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

Of the foregoing appropriation item 235539, Wright State University Clinical Teaching, $1,500,000 in each fiscal year shall be used to support the Aerospace Medicine and Human Performance Center at Wright State University.

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

Section 381.450. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in H.B. 748 of the 121st General Assembly. The amounts provided to state colleges and universities in fiscal year 2026 and fiscal year 2027 shall cover the remaining obligations for the program, which shall cease to exist effective June 30, 2027. Funding shall consist of:

(A) Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component

allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

(B) Any campus for which the estimated campus debt service attributable to qualifying capital projects for the remainder of the program is greater than the campus's formula-determined capital component allocation shall have half the difference subtracted in each fiscal year of the biennium, after allowable adjustments by the Chancellor of Higher Education, from its State Share of Instruction allocation. If necessary, appropriation equal to the sum of all such amounts shall be transferred, after allowable adjustments by the Chancellor of Higher Education, from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component.

Section 381.460. LIBRARY DEPOSITORIES

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Chancellor of Higher Education, or by OhioLINK at the discretion of the Chancellor.

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of Higher Education to support the operations of the Ohio Academic Resources Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to

improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic development.

Section 381.480. LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT

(A)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions(B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2)(a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2026 and fiscal year 2027:

(i) $4,000 per student at a state institution of higher education;

(ii) $5,000 per student at an eligible nonprofit institution of higher education;

(iii) $2,000 per student at a private for-profit career college or school.

(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less.

(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of each academic year.

(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised

Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under section 3333.26 of the Revised Code and for grants to qualifying institutions on behalf of eligible students under the adoption grant program established under section 3333.128 of the Revised Code.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(C) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on the amounts specified under division (A) of this section. The Chancellor shall notify students and institutions of any reductions in awards.

(D) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College

Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

(F) No eligible institution that enrolls Ohio College Opportunity Grant recipients shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio College Opportunity Grant program.

Each eligible institution that enrolls Ohio College Opportunity Grant recipients shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The Chancellor may grant an eligible institution a temporary waiver from that requirement if the Chancellor determines exceptional circumstances make it necessary. The Chancellor shall determine the terms of the waiver.

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for

support of dental and veterinary medicine clinics.

Section 381.520. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

Section 381.525. EDUCATOR PREPARATION PROGRAMS

The foregoing appropriation item 235585, Educator Preparation Programs, shall be used by the Chancellor of Higher Education to implement and administer sections 3333.048, 3333.049, 3333.0411, and 3333.0419 of the Revised Code or other educator preparation programs, such as the Ohio Teacher Apprenticeship Program, as determined by the Chancellor.

Notwithstanding any provision of law to the contrary, beginning with the first full academic year following the adoption of new standards, each educator preparation program at

an institution of higher education shall include in its curriculum standards for social studies that align with the standards adopted by the Department of Education and Workforce to ensure that educators and other school personnel are adequately prepared and trained in social studies.

Within six months of the beginning of the first full academic year in which the new standards are used, the Chancellor shall complete a review and evaluation process to assess the degree to which every educator preparation program at an institution of higher education is teaching social studies in alignment with the standards.

Section 381.530. CO-OP INTERNSHIP PROGRAM

The foregoing appropriation item 235591, Co-Op Internship Program, shall be used to support the operations of Ohio University's Voinovich School.

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used by the Chancellor of Higher Education to administer and provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.

Section 381.550. RURAL UNIVERSITY PROGRAM

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four

participating universities shall receive $103,000 in each fiscal year to support their respective programs.

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the foregoing appropriation item 235599, National Guard Scholarship Program, may be used to administer the program with the concurrence of the Adjutant General.

Section 381.565. FAFSA SUPPORT TEAMS

The foregoing appropriation item 2355A1, FAFSA Support Teams, shall be used by the Chancellor of Higher Education pursuant to section 3333.303 of the Revised Code.

CAMPUS COMMUNITY GRANT PROGRAM

The foregoing appropriation item 2355A3, Campus Community Grant Program, shall be used by the Chancellor of Higher Education to support the Campus Community Grant Program pursuant to section 3333.801 of the Revised Code.

Section 381.570. PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2027, to secure bonds

or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section, to secure a refund of prior debt that is anticipated to increase the total cost of retiring the original debt, or to extend the period in which that full debt is retired shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, for obligations issued under sections 151.01 and 151.04 of the Revised Code.

Section 381.590. SALES AND SERVICES

The Chancellor of Higher Education is authorized to charge and accept payment for the provision of goods and services. Such charges shall be reasonably related to the cost of producing the goods and services. Except as otherwise provided by law, no charges may be levied for goods or services that are produced as part of the routine responsibilities or duties of the Chancellor. All revenues received by the Chancellor shall be deposited into Fund 4560 and may be used by the Chancellor to pay for the costs of producing the goods and services.

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION ADMINISTRATION

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by

the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer cash in an amount up to the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission Administration, in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

Section 381.630. TALENT READY GRANT PROGRAM

(A) The foregoing appropriation item 235517, Talent Ready Grant Program, shall be used by the Chancellor of Higher Education to administer the Talent Ready Grant program to support workforce credential and certificate programs under thirty credit hours at a community college, state community college, technical college, university regional campus, or less than 900 clock hours at an Ohio Technical Center. Such funding shall be used to do both of the following:

(1) Establish and operate workforce credential and certificate programs under thirty credit hours or less than 900 clock hours, as identified by the Governor's Office of Workforce Transformation in consultation with the Chancellor. In identifying programs as eligible for funding, the Governor's Office of Workforce Transformation and the Chancellor shall review the top jobs list and prioritize programs that are particularly well-aligned with occupations determined to be most in-demand to meet statewide or regional workforce goals. An eligible entity may submit a request to the Chancellor to consider adding a program to the list identified as eligible for funding by providing information and justification in the form

and manner required by the Chancellor, in consultation with the Governor's Office of Workforce Transformation; and

(2) Provide additional support to short-term certificate programs determined to be eligible for funding, as identified by the Governor's Office of Workforce Transformation in consultation with the Chancellor pursuant to the process described in division (A)(1) of this section.

(B) The Chancellor shall allocate funds among eligible entities in approximate proportion to each entity's share of eligible short-term certificate programs while also considering student enrollments, completions, and past utilization of short-term certificate funding disbursed under this line item, among other factors. For purposes of allocating funds between community colleges, state community colleges, and technical colleges, the Chancellor shall allocate the funding to each campus in proportion to each campus's share of the total sector's course completions for the most recent available year, as reported through the Higher Education Information System student enrollment file, weighted by the instructional cost of the subsidy models.

Section 381.635. SUPER RAPIDS

On July 1, 2025, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriation item 235688, Super RAPIDS, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the

Chancellor of Higher Education shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriation item 235688, Super RAPIDS, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

Section 381.640. STATE FINANCIAL AID RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

Section 381.650. SECOND CHANCE GRANT PROGRAM

The foregoing appropriation item 235494, Second Chance Grant Program, shall be distributed by the Chancellor of Higher Education to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students under the Second Chance Grant Program established in section 3333.127 of the Revised Code.

Section 381.655. GROW YOUR OWN TEACHER PROGRAM

The foregoing appropriation item 235592, Grow Your Own Teacher Program, shall be used by the Chancellor of Higher Education to implement and administer the Grow Your Own Teacher Program pursuant to sections 3333.393 and 3333.394 of the Revised Code and the Ohio Teacher Apprenticeship Program.

Section 381.660. NURSING LOAN PROGRAM

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX

(A) The foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, a portion in each fiscal year shall be used by the Chancellor to support and promote research that is intended to be commercialized. Research funded under division (A) of this section shall include a condition that the discoveries, inventions, or patents developed therein be retained by the researcher, unless all or a portion of the interests therein are specifically granted to the state college or university at which the researcher is employed. In reviewing proposals and making awards under division (A) of this section, the Chancellor may enlist the assistance of the Ohio Technology Transfer Officer's Council.

(B) Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, up to $2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to $750,000 in each fiscal year may be allocated for spinal cord research, up to $750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to $300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to $200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

Section 381.680. VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

Section 381.690. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.700. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University

Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235543, Kent State University College of Podiatric Medicine Clinic Subsidy, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

Section 381.710. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.720. COLLEGE CREDIT PLUS PROGRAM

(A) The Chancellor of Higher Education, in consultation with the Director of Education and Workforce, may take action as necessary to ensure that public colleges and universities and school districts are fully engaging and participating in the College Credit Plus Program as required by Chapter 3365. of the Revised Code. Such actions may include publicly displaying program participation data by district and institution.

(B) For the purposes of model pathways required under section 3365.13 of the Revised Code, the Chancellor and Director shall work with public secondary schools and partnering public colleges and universities, as necessary, to encourage the

establishment of model pathways that prepare participants to successfully enter the workforce in certain fields, which may include any of the following:

(1) Engineering technology and other fields essential to the superconductor industry;

(2) Nursing, with particular emphasis on models that facilitate a participant's potential progression through different levels of nursing;

(3) Teaching and other related education professions;

(4) Social and behavioral or mental health professions;

(5) Law enforcement or corrections; and

(6) Other fields as determined appropriate by the Chancellor and Director, in consultation with the Governor's Office of Workforce Transformation.

(C) Notwithstanding any provision of law to the contrary, students enrolled under a statewide innovative waiver pathway, as established in section 3365.131 of the Revised Code, shall follow a model pathway as established in section 3365.13 of the Revised Code. Priority shall be given to pathways aligned with engineering technology and other fields essential to the superconductor industry.

Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE

The Chancellor of Higher Education, in consultation with postsecondary educational institutions and other stakeholders as determined to be appropriate, shall monitor and evaluate the ongoing availability of postsecondary educational offerings within the four-county service district formerly served by Eastern Gateway Community College. To the extent practicable,

the Chancellor shall seek to ensure a strong continuity of postsecondary educational access to residents of the region, with a particular focus on access to programs aligned with regional workforce priorities. If determined to be necessary, the Chancellor may seek to achieve favorable outcomes by engaging with other postsecondary educational institutions to encourage uninterrupted access to educational opportunities. This may include, but not be limited to, outcomes associated with academic program offerings, program-related equipment, or physical facilities.

Section 381.740. CREDENTIAL AND WORK EXPERIENCE CONSIDERATION

Prior to admitting any students applying for enrollment after July 1, 2025, each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall consider an applicant's work experience and credentials earned as part of the admissions process. An applicant's work experience or credential does not need to align to the program or discipline the applicant is seeking to pursue to be considered by the state institution as a positive reason to accept the applicant as a student at the institution.

At the time of the student's acceptance, an institution shall either grant credit for prior learning or experience or detail the potential opportunities and required documentation needed to grant such credit based on the review of the student's specific information provided in the application.

Section 381.750. GENERAL EDUCATION REQUIREMENTS

(A) Not later than December 31, 2025, the board of trustees of each state institution of higher education, as

defined in section 3345.011 of the Revised Code, shall formally review and evaluate the components of the state institution's general education curriculum and adopt a resolution acknowledging the board's completion of that review. Each board shall submit a copy of its resolution to the Chancellor of Higher Education.

(B) Not later than March 31, 2026, the board of trustees of each state institution of higher education shall formally evaluate the state institution's general education curriculum to enhance content that furthers the state's post-secondary education attainment and workforce goals. In conducting the evaluation, the board shall consider adjusting the general education curriculum in the following areas:

(1) Civics, culture, and society, including United States and Ohio history, the foundations of American representative government, how to disagree in a civil manner, and the principles of civil discourse;

(2) Artificial intelligence, STEM, and computational thinking;

(3) Entrepreneurship and the principles of innovation;

(4) Workforce readiness, including fundamental skills necessary for Ohio's graduates to gain employment in in-demand occupations.

(C) Not later than June 30, 2026, the board of trustees of each state institution of higher education shall adopt a resolution summarizing changes to the state institution's general education curriculum resulting from the evaluation process and submit a copy of the resolution to the Chancellor.

(D) The Chancellor shall provide a copy of each resolution

submitted under this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(E) Adjustments made to a state institution of higher education's general education curriculum pursuant to this section are not exempt from the requirements of the Chancellor's program approval process.

Section 381.760. OHIO TECH TALENT INITIATIVE

(A) The Ohio Tech Talent Initiative is created. The purpose of the initiative is to promote, prioritize, and expand engineering technician education for engineering technology and other fields essential to the semiconductor and advanced manufacturing industries. In administering the program, the Chancellor of Higher Education may determine the list of academic programs included, in consultation with the Governor's Office of Workforce Transformation, based on the Classification of Instructional Programs (CIP).

(B) For the purposes of model and statewide innovative waiver pathways authorized under sections 3365.13 and 3365.131 of the Revised Code, the Chancellor and Director of Education and Workforce, in consultation with the Governor's Office of Workforce Transformation, shall jointly collaborate with public secondary schools and partnering public colleges and universities, as necessary, to establish, promote, and prioritize pathways that prepare participants to successfully enter the workforce in engineering technology and other fields essential to the semiconductor or advanced manufacturing industries. The Chancellor and Director shall also leverage the one-year option credit articulation process for students enrolled in Ohio Technical Centers, as defined in section 3333.94 of the Revised Code, who complete a 900-hour program of

study and obtain an industry-recognized credential.

(C) In administering the program, and notwithstanding any provision of law to the contrary, the Chancellor and Director of Development may utilize funds appropriated from the following appropriation items with the goal of reducing student costs and increasing the number of graduates in technician-aligned programs:

(1) Appropriation item 235438, Choose Ohio First Scholarship;

(2) Appropriation item 235517, Talent Ready Grant Program;

(3) Appropriation item 235425, Ohio Work Ready Grant Program;

(4) Appropriation item 235494, Second Chance Grant Program;

(5) Appropriation item C23529, Workforce Based Training and Equipment;

(6) Appropriation item 195556, TechCred Program;

(7) Other appropriation items as determined to be necessary by the Chancellor, in consultation with the Governor's Office of Workforce Transformation.

(D) The Chancellor may require a state institution of higher education, as defined in section 3345.011 of the Revised Code, and a private college as defined in section 3365.01 of the Revised Code, to establish a workforce-education partnership program, as defined in section 3333.93 of the Revised Code. In establishing a workforce-education partnership program, the Chancellor, in consultation with the Governor's Office of Workforce Transformation, may require college, university and

employer participants to specifically focus on engineering technology and other fields essential to the semiconductor industry, advanced manufacturing industry, or both.

Section 381.770. DIRECT ADMISSIONS

(A) As used in this section:

(1) "Academic record" includes grade point average, high school and college transcript information, standardized assessment scores, scores on the end-of-course examinations prescribed under section 3301.0712 of the Revised Code, and any other measure of postsecondary readiness determined appropriate by the Chancellor of Higher Education.

(2) "Postsecondary institution" means any of the following:

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(b) A private nonprofit institution of higher education that holds a certificate of authorization under Chapter 1713. of the Revised Code;

(c) An Ohio technical center, as defined in section 3333.94 of the Revised Code.

(3) "School governing body" means the board of education of a city, local, exempted village, or joint vocational school district, the governing authority of a chartered nonpublic school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a STEM school established under Chapter 3326. of the Revised Code.

(B) The Chancellor of Higher Education, in consultation

with the Director of Education and Workforce, shall establish a direct admissions pilot program to notify students enrolled at participating high schools about whether they meet the admissions criteria for participating postsecondary institutions.

Under the pilot program, the Chancellor shall establish a process that uses a student's academic record to determine whether the student meets the admissions requirements. To the extent practicable, and in accordance with applicable law, the Chancellor shall use existing primary, secondary, and higher education student information systems to automate the process and use information held by a participating student's high school to minimize the need for the student to provide any additional information.

The Chancellor shall endeavor to implement the pilot program so that students graduating in the 2026-2027 school year may participate in the program.

(C) The Chancellor may do any of the following:

(1) Establish eligibility requirements for students, school governing bodies, and postsecondary institutions who elect to participate in the pilot program;

(2) Consult with stakeholders and form advisory councils as necessary to design and operate the pilot program;

(3) Terminate the pilot program if the Chancellor determines its operation is impracticable.

(D) A school governing body or postsecondary institution shall apply to participate in the pilot program in a form and manner prescribed by the Chancellor.

A participating school governing body may adopt a written policy authorizing any high school it operates to participate in the pilot program. Not later than ninety days after the adoption of the policy, the school governing body shall transmit an electronic copy of the policy to the Chancellor and the Director of Education and Workforce.

A participating school governing body shall develop a procedure to determine whether a student who wants to participate in the pilot program meets any eligibility requirements established under division (C) of this section.

(E) At least once each school year, the Chancellor, in consultation with the Director of Education and Workforce, shall issue a report on the pilot program. The Chancellor shall set a deadline for the report's issuance. The report shall include information about the number of students who participate in the program. The report also shall evaluate, to the extent practicable, the impact of the program on postsecondary outcomes for students from populations traditionally underserved in higher education.

The Chancellor shall submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Director of Education and Workforce, the Director of Budget and Management, and the Governor's Office of Workforce Transformation.

(F) No student, school governing body, or postsecondary institution shall be required to participate in the pilot program.

Section 383.10.

	1	2	3	4	5
A			DRC DEPARTMENT OF REHABILITATION AND CORRECTION		
B	General Revenue Fund				
C	GRF	501321	Institutional Operations	$1,539,506,369	$1,635,958,708
D	GRF	501405	Reentry, Housing, and Support Services	$87,700,200	$90,558,100
E	GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	$42,000,000	$60,000,000
F	GRF	501407	Community Nonresidential Programs	$71,472,947	$74,153,531
G	GRF	501408	Community Misdemeanor Programs	$10,101,000	$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	$5,512,500	$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	$104,015,600	$108,161,800
J	GRF	503321	Parole and Community Operations	$139,658,771	$149,249,137
K	GRF	504321	Administrative Operations	$29,927,970	$31,394,440
L	GRF	505321	Institution Medical	$377,800,462	$402,429,929

			Services		
M	GRF	506321	Institution Education Services	$53,146,437	$57,793,527
N	General Revenue Fund Total			$2,460,842,256	$2,626,015,279
O	Dedicated Purpose Fund Group				
P	4B00	501601	Sewer Treatment Services	$600,000	$600,000
Q	4D40	501603	Prisoner Programs	$400,000	$400,000
R	4L40	501604	Transitional Control	$2,450,000	$2,450,000
S	4S50	501608	Education Services	$4,660,000	$4,660,000
T	5AF0	501609	State and Non-Federal Awards	$1,300,000	$1,300,000
U	5H80	501617	Offender Financial Responsibility	$1,860,000	$1,860,000
V	QG18	501631	County Jail Construction and Renovation Grants	$62,437,500	$92,500,000
W	Dedicated Purpose Fund Group Total			$73,707,500	$103,770,000
X	Internal Service Activity Fund Group				
Y	1480	501602	Institutional Services	$3,500,000	$3,500,000
Z	2000	501607	Ohio Penal Industries	$46,515,000	$46,515,000
AA	4830	501605	Leased Property	$7,500,000	$7,500,000

			Maintenance and Operating		
AB	5710	501606	Corrections Training Maintenance and Operating	$940,000	$940,000
AC	5L60	501611	Information Technology Services	$500,000	$500,000
AD			Internal Service Activity Fund Group Total	$58,955,000	$58,955,000
AE			Federal Fund Group		
AF	3230	501619	Federal Grants	$4,500,000	$4,500,000
AG	3CW0	501622	Federal Equitable Sharing	$300,000	$300,000
AH			Federal Fund Group Total	$4,800,000	$4,800,000
AI			TOTAL ALL BUDGET FUND GROUPS	$2,598,304,756	$2,793,540,279

Section 383.20. EXPEDITED PARDON INITIATIVE

Of the foregoing appropriation item 501321, Institutional Operations, up to $500,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to support projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency.

OSU MEDICAL CHARGES

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur

G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

TRANSITIONAL HOUSING FUNDING

Of the foregoing appropriation item 501405, Reentry, Housing, and Support Services, priority shall be given to residential providers that accept and place individuals released from institutions operated by the Department of Rehabilitation and Correction to the supervision of the Adult Parole Authority who were previously rejected by all other residential providers.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501411, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as

Probation Improvement and Incentive Grants with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

Section 387.10.

1	2	3	4	5
A		RDF STATE REVENUE DISTRIBUTIONS		
B	General Revenue Fund			
C	GRF 110403	Personal Property Tax Replacement Phase Out - Local Government	$3,770,000	$3,170,000
D	GRF 110908	Property Tax Reimbursement - Local Government	$687,764,172	$698,816,877
E	GRF 200417	Personal Property Tax Replacement Phase Out - School District	$46,478,241	$42,618,185
F	GRF 200903	Property Tax Reimbursement - Education	$1,291,917,108	$1,312,678,846
G	General Revenue Fund Total		$2,029,929,521	$2,057,283,908
H	Revenue Distribution Fund Group			
I	5JG0 110633	Gross Casino Revenue	$168,320,000	$166,460,000

			Payments - County		
J	5JH0	110634	Gross Casino Revenue Payments - School Districts	$112,210,000	$110,970,000
K	5JJ0	110636	Gross Casino Revenue - Host City	$16,530,000	$16,400,000
L	7049	336900	Indigent Drivers Alcohol Treatment	$1,800,000	$1,800,000
M	7050	762900	International Registration Plan Distribution	$26,000,000	$26,000,000
N	7051	762901	Auto Registration Distribution	$379,000,000	$391,000,000
O	7060	110652	Gasoline Excise Tax Fund - Municipal	$413,400,000	$421,900,000
P	7060	110653	Gasoline Excise Tax Fund - Township	$214,000,000	$218,400,000
Q	7060	110654	Gasoline Excise Tax Fund - County	$359,800,000	$367,200,000
R	7065	110965	Public Library Fund	$531,700,000	$549,100,000
S	7066	800966	Undivided Liquor Permits	$14,600,000	$14,600,000
T	7069	110969	Local Government Fund	$531,700,000	$549,100,000

U	7082	110982	Horse Racing Tax	$31,200	$31,200
V	7083	700900	Ohio Fairs Fund	$471,000	$471,000
W	Revenue Distribution Fund Group Total			$2,769,562,200	$2,833,432,200
X	Fiduciary Fund Group				
Y	4P80	001698	Cash Management Improvement Fund	$1,000,000	$1,000,000
Z	5VR0	110902	Municipal Net Profit Tax	$241,330,000	$253,400,000
AA	6080	001699	Investment Earnings	$1,050,000,000	$975,000,000
AB	7001	110996	Horse Racing Tax Local Government Payments	$120,000	$120,000
AC	7062	110962	Resort Area Excise Tax Distribution	$2,540,000	$2,650,000
AD	7063	110963	Permissive Sales Tax Distribution	$3,706,800,000	$3,788,700,000
AE	7067	110967	School District Income Tax Distribution	$748,610,000	$778,170,000
AF	7085	800985	Volunteer Firemen's Dependents Fund	$300,000	$300,000
AG	7094	110641	Wireless 9-1-1 Government Assistance	$35,500,000	$31,300,000
AH	7095	110995	Municipal Income Tax	$8,100,000	$8,100,000

AI	7099	762902	Permissive Tax Distribution - Auto Registration	$262,000,000 $270,000,000
AJ	Fiduciary Fund Group Total			$6,056,300,000 $6,108,740,000
AK	Holding Account Fund Group			
AL	R045	110617	International Fuel Tax Distribution	$101,700,000 $108,200,000
AM	Holding Account Fund Group Total			$101,700,000 $108,200,000
AN	TOTAL ALL BUDGET FUND GROUPS			$10,957,491,721 $11,107,656,108

Section 387.20. ADDITIONAL APPROPRIATIONS

Appropriation items in Section 387.10 of this act shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose in any appropriation items in Section 387.10 of this act, such amounts are hereby appropriated.

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS

The foregoing appropriation items 200417, Personal Property Tax Replacement Phase Out-School District, and 110403, Personal Property Tax Replacement Phase Out - Local Government, shall be used to make reimbursement payments to school districts and other local taxing units under sections 5709.92 and 5709.93 of the Revised Code. If it is determined that additional appropriations are needed to make those reimbursement payments in full, such amounts are hereby appropriated.

Notwithstanding division (I) of section 5709.92 of the Revised Code, any school district that has a nuclear power plant located within its territory shall receive no less under this section in fiscal year 2027 than paid in fiscal year 2026.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education and Workforce shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby

appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income

Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

MUNICIPAL NET PROFIT TAX

The foregoing appropriation item 110902, Municipal Net Profit Tax, shall be used to make payments to municipal corporations under section 718.83 of the Revised Code. If it is determined that additional amounts are necessary to make such payments, such amounts are hereby appropriated.

During fiscal year 2026 and fiscal year 2027, if the Tax Commissioner determines that there is insufficient cash in the Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise

determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal Net Profit Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (B) of section 131.51 of the Revised Code that the Director of Budget and Management credit to the Public Library Fund one and seven-tenths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2026 and fiscal year 2027 using one and seventy-five one-hundredths as the percentage.

LOCAL GOVERNMENT FUND

Notwithstanding the requirement in division (A) of section 131.51 of the Revised Code that the Director of Budget and Management credit to the Local Government Fund one and seven-tenths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2026 and fiscal year 2027 using one and seventy-five one-hundredths as the percentage.

Section 391.10.

1	2	3	4	5
A		OSB DEAF AND BLIND EDUCATION SERVICES		
B	General Revenue Fund			

C	GRF	226321	Operations	$32,700,258	$33,454,668
D	General Revenue Fund Total			$32,700,258	$33,454,668
E	Dedicated Purpose Fund Group				
F	4H80	226602	Blind School State Grants	$350,000	$350,000
G	4M00	226400	Deaf School Educational Program Expenses	$250,000	$250,000
H	4M10	226401	Deaf School State Grants	$25,000	$25,000
I	4M50	226601	Blind School Educational Program Expenses	$330,000	$340,000
J	5H60	226402	Early Childhood Education	$65,000	$65,000
K	5NJ0	226622	Employee Food Service Charges	$22,467	$23,141
L	Dedicated Purpose Fund Group Total			$1,042,467	$1,053,141
M	Federal Fund Group				
N	3100	226626	Blind School Federal Grants	$1,099,000	$1,099,000
O	3110	226403	Deaf School Federal Grants	$574,000	$574,000
P	3DT0	226621	Ohio Transition Collaborative	$230,000	$230,000
Q	3P50	226643	Medicaid Professional	$459,500	$459,500

			Services Reimbursement		
R	Federal Fund Group Total			$2,362,500	$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS			$36,105,225	$36,870,309

Section 395.10. 110988
110989

1	2	3	4	5
A		SOS SECRETARY OF STATE		
B	General Revenue Fund			
C	GRF	050321 Operating Expenses	$3,505,147	$3,510,274
D	GRF	050407 Poll Workers Training	$0	$500,000
E	GRF	050509 County Voting Systems Lease Rental Payments	$12,200,000	$12,200,000
F	General Revenue Fund Total		$15,705,147	$16,210,274
G	Dedicated Purpose Fund Group			
H	4120	050609 Notary Commission	$541,455	$555,487
I	4S80	050610 Board of Voting Machine Examiners	$14,400	$14,400
J	5990	050603 Business Services Operating Expenses	$28,686,668	$29,281,310
K	5990	050629 Statewide Voter Registration Database	$705,000	$730,000

L	5990	050630	Elections Support Supplement	$4,458,687	$4,545,000
M	5990	050631	Precinct Election Officials Training	$0	$500,000
N	5990	050636	County Election Officials Training	$240,000	$240,000
O	5SN0	050626	Address Confidentiality	$375,000	$400,000
P	Dedicated Purpose Fund Group Total			$35,021,210	$36,266,197
Q	Holding Account Fund Group				
R	R002	050606	Corporate/Business Filing Refunds	$85,000	$85,000
S	Holding Account Fund Group Total			$85,000	$85,000
T	Federal Fund Group				
U	3AS0	050616	Help America Vote Act (HAVA)	$100,000	$100,000
V	Federal Fund Group Total			$100,000	$100,000
W	TOTAL ALL BUDGET FUND GROUPS			$50,911,357	$52,661,471

Section 395.20. POLL WORKERS TRAINING

The foregoing appropriation item 050407, Poll Workers Training, shall be used to provide funding to county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code.

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of

public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2026.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to $400,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

CORPORATE/BUSINESS FILING REFUNDS

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

HAVA FUNDS

An amount equal to the unexpended, unencumbered portion of

appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2025 is hereby reappropriated for the same purpose in fiscal year 2026.

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2026 is hereby reappropriated for the same purpose in fiscal year 2027.

Section 395.30. ELECTRONIC POLLBOOKS

The appropriation item 050638, Electronic Pollbooks, shall be used by the Secretary of State to pay eighty-five per cent of the calculated allocation cost of acquiring electronic pollbooks, as defined in section 3506.05 of the Revised Code, and ancillary equipment, for county boards of elections in accordance with this section.

An amount equal to the unexpended, unencumbered portion of the appropriation item 050638, Electronic Pollbooks, at the end of fiscal year 2025 is hereby reappropriated to the Secretary of State for the same purpose in fiscal year 2026.

When required, pursuant to state purchasing requirements and at the request of the Secretary of State, the Office of Procurement Services within the Department of Administrative Services shall initiate a competitive solicitation for the purpose of identifying and securing contracts with qualified vendors that can provide electronic pollbooks, as defined in section 3506.05 of the Revised Code, and ancillary equipment. The Department shall maintain such contracts for use by county boards of elections in accordance with this section.

The Secretary of State shall calculate the portion of appropriation item 050638, Electronic Pollbooks, to be allocated

to each county board of elections in proportion to the number of registered voters in each county as recorded in the statewide voter registration database as of July 1, 2022. The Secretary of State, in conjunction with the Office of Procurement Services within the Department of Administrative Services, shall use the funding allocated to each county board of elections to reimburse them for the cost of acquiring electronic pollbooks and ancillary equipment as follows:

(A) For electronic pollbooks and ancillary equipment to be acquired from vendors identified through competitive solicitation by the Office of Procurement Services within the Department of Administrative Services after the effective date of this section, upon request by a county board of elections, the Secretary of State shall provide a list of the vendors and electronic pollbooks certified in accordance with section 3506.05 of the Revised Code. The board of elections shall select electronic pollbooks from this list, notify the Secretary of State of its selection, and shall acquire the selected electronic pollbooks and any other necessary equipment. The board of elections shall enter into a memorandum of understanding with the applicable board of county commissioners and the Secretary of State concerning those acquisitions. The Secretary of State shall reimburse the board of elections for the lesser amount of either eighty-five per cent of the cost of those acquisitions, or the amount of the allocation as determined by the Secretary of State under this section.

(B) If, between December 31, 2019 and July 1, 2023, a board of elections acquired electronic pollbooks or ancillary equipment and is otherwise in compliance with all applicable directives and statutes, the Secretary of State shall reimburse the board of elections for the lesser amount of either eighty-

five per cent of the cost of that acquisition, or the amount of the allocation as determined by the Secretary of State under this section. Reimbursement shall be paid to the county board of elections.

Section 397.10.

1	2	3	4	5
A		SEN THE OHIO SENATE		
B	General Revenue Fund			
C	GRF	020321 Operating Expenses	$27,000,000	$27,000,000
D	General Revenue Fund Total		$27,000,000	$27,000,000
E	Internal Service Activity Fund Group			
F	1020	020602 Senate Reimbursement	$425,800	$425,800
G	4090	020601 Miscellaneous Sales	$34,497	$34,497
H	Internal Service Activity Fund Group Total		$460,297	$460,297
I	TOTAL ALL BUDGET FUND GROUPS		$27,460,297	$27,460,297

Section 397.20. OPERATING EXPENSES

On July 1, 2025, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal

year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026.

On July 1, 2026, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

Section 399.10.

1	2	3	4	5
A		CSV COMMISSION ON SERVICE AND VOLUNTEERISM		
B	General Revenue Fund			
C	GRF	866321 CSV Operations	$731,407	$747,115
D	General Revenue Fund Total		$731,407	$747,115
E	Dedicated Purpose Fund Group			
F	5GN0	866605 Serve Ohio Support	$10,000	$2,103
G	Dedicated Purpose Fund Group Total		$10,000	$2,103
H	Federal Fund Group			
I	3R70	866617 AmeriCorps Programs	$13,923,794	$13,956,503
J	Federal Fund Group Total		$13,923,794	$13,956,503

K	TOTAL ALL BUDGET FUND GROUPS			$14,665,201	$14,705,721

Section 401.10. 111135
111136

	1	2	3	4	5
A			CSF COMMISSIONERS OF THE SINKING FUND		
B	Debt Service Fund Group				
C	7070	155905	Third Frontier Research and Development Bond Retirement Fund	$45,000,000	$45,000,000
D	7072	155902	Highway Capital Improvement Bond Retirement Fund	$118,500,000	$131,500,000
E	7073	155903	Natural Resources Bond Retirement Fund	$14,300,000	$14,300,000
F	7074	155904	Conservation Projects Bond Retirement Fund	$46,500,000	$39,000,000
G	7076	155906	Coal Research and Development Bond Retirement Fund	$4,050,000	$2,525,000
H	7077	155907	State Capital Improvement Bond Retirement Fund	$225,000,000	$240,000,000
I	7078	155908	Common Schools Bond Retirement Fund	$255,000,000	$230,000,000

J	7079	155909	Higher Education Bond Retirement Fund	$250,000,000	$210,000,000
K	7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	$975,000	$0
L	Debt Service Fund Group Total			$959,325,000	$912,325,000
M	TOTAL ALL BUDGET FUND GROUPS			$959,325,000	$912,325,000

Section 401.20. ADDITIONAL APPROPRIATIONS

Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2025, through June 30, 2027, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 404.10.

1	2	3	4	5
A	SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD			
B	Dedicated Purpose Fund Group			
C	4K90	123609	Operating Expenses	$649,200	$665,400
D	Dedicated Purpose Fund Group Total			$649,200	$665,400

E	TOTAL ALL BUDGET FUND GROUPS		$649,200	$665,400	

Section 407.10. 111147
111148

	1	2	3	4	5	
A			BTA BOARD OF TAX APPEALS			
B	General Revenue Fund					
C	GRF	116321	Operating Expenses	$2,110,000	$2,160,000	
D	General Revenue Fund Total			$2,110,000	$2,160,000	
E	TOTAL ALL BUDGET FUND GROUPS			$2,110,000	$2,160,000	

Section 409.10. 111149
111150

	1	2	3	4	5	
A			TAX DEPARTMENT OF TAXATION			
B	General Revenue Fund					
C	GRF	110321	Operating Expenses	$63,677,392	$67,427,723	
D	GRF	110404	Tobacco Settlement Enforcement	$163,000	$166,271	
E	General Revenue Fund Total			$63,840,392	$67,593,994	
F	Dedicated Purpose Fund Group					
G	2280	110628	CAT Administration	$13,368,132	$13,072,718	

H	4350	110607	Local Tax Administration	$38,632,001	$39,008,489
I	4360	110608	Motor Vehicle Audit Administration	$1,282,300	$1,282,300
J	4380	110609	School District Income Tax Administration	$9,651,710	$9,732,886
K	4C60	110616	International Registration Plan Administration	$697,635	$706,187
L	4R60	110610	Tire Tax Administration	$138,123	$138,123
M	5BP0	110639	Wireless 9-1-1 Administration	$251,418	$251,418
N	5JM0	110637	Casino Tax Administration	$101,000	$101,000
O	5N50	110605	Municipal Income Tax Administration	$115,848	$115,848
P	5N60	110618	Kilowatt Hour Tax Administration	$63,415	$63,415
Q	5NY0	110643	Petroleum Activity Tax Administration	$1,114,260	$1,114,260
R	5V70	110622	Motor Fuel Tax Administration	$6,713,625	$6,871,008
S	5V80	110623	Property Tax Administration	$5,677,332	$5,759,569

T	5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	$5,000	$5,000
U	5ZA0	110650	Ohio Tax System Operating Expenses	$7,000,000	$8,000,000
V	6390	110614	Cigarette Tax Enforcement	$1,087,029	$1,114,117
W	6880	110615	Local Excise Tax Administration	$391,778	$392,536
X	QG18	110658	Marijuana Control Administration - TAX	$204,795	$303,400
Y	Dedicated Purpose Fund Group Total			$86,495,401	$88,032,274
Z	Fiduciary Fund Group				
AA	4250	110635	Tax Refunds	$3,082,044,000	$3,082,044,000
AB	5CZ0	110631	Vendor's License Application	$575,000	$575,000
AC	Fiduciary Fund Group Total			$3,082,619,000	$3,082,619,000
AD	Holding Account Fund Group				
AE	R010	110611	Tax Distributions	$25,000	$25,000
AF	R011	110612	Miscellaneous Tax Receipts	$500	$500
AG	Holding Account Fund Group Total			$25,500	$25,500

AH TOTAL ALL BUDGET FUND GROUPS	$3,232,980,293	$3,238,270,768

Section 409.20. TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

VENDOR'S LICENSE PAYMENTS

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION

The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

OHIO TAX SYSTEM SUPPORT FUND

The foregoing appropriation item 110650, Ohio Tax System Operating Expenses, shall be used to pay costs incurred in the maintenance and support of the department's Ohio Tax System. The Tax Commissioner shall submit a plan to the Director of Budget and Management requesting the necessary cash be transferred to the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created in the state treasury. Cash shall be transferred from any fund used by the Department of Taxation that is otherwise allowable under state or federal law, except the General Revenue Fund. This plan shall include a schedule of cash transfers. After receiving the funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Ohio Tax System Support Fund with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The transfers of cash to the Ohio Tax System Support Fund shall not exceed $15,000,000 in the fiscal year 2026-2027 biennium.

MISCELLANEOUS TAX RECEIPTS

The foregoing appropriation item 110612, Miscellaneous Tax Receipts, shall be used to hold miscellaneous tax payments received by the Tax Commissioner until the appropriate account or fund is identified and the money can be transferred for the

identified purpose. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 411.10.

1	2	3	4	5
A		DOT DEPARTMENT OF TRANSPORTATION		
B	General Revenue Fund			
C	GRF	772456 Unmanned Aerial Systems Center	$500,000	$500,000
D	GRF	775470 Public Transportation - State	$37,014,636	$37,014,636
E	GRF	776465 Rail Development	$6,000,000	$6,000,000
F	GRF	777471 Airport Improvements - State	$10,000,000	$10,000,000
G	General Revenue Fund Total		$53,514,636	$53,514,636
H	TOTAL ALL BUDGET FUND GROUPS		$53,514,636	$53,514,636

Section 413.10.

1	2	3	4	5
A		TOS TREASURER OF STATE		
B	General Revenue Fund			

C	GRF	090321	Operating Expenses	$5,432,000	$5,432,000
D	General Revenue Fund Total			$5,432,000	$5,432,000
E	Dedicated Purpose Fund Group				
F	4E90	090603	Securities Lending Income	$12,972,444	$13,408,214
G	4E90	090639	STABLE Maintenance Fee Subsidy	$900,000	$900,000
H	4X90	090614	Political Subdivision Obligation	$38,332	$39,460
I	5770	090605	Investment Pool Reimbursement	$1,838,291	$1,885,100
J	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	$1,459,000	$1,459,000
K	5C50	090602	County Treasurer Education	$250,000	$250,000
L	6050	090609	Treasurer of State Administrative Fund	$1,820,361	$1,827,252
M	Dedicated Purpose Fund Group Total			$19,278,428	$19,769,026
N	Fiduciary Fund Group				
O	4250	090635	Tax Refunds	$12,000,000	$12,000,000
P	Fiduciary Fund Group Total			$12,000,000	$12,000,000

Q	TOTAL ALL BUDGET FUND GROUPS		$36,710,428	$37,201,026

Section 413.20. TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 701.20 of H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Treasury Management System.

Section 414.10.

1	2	3	4	5
A		VTO VETERANS' ORGANIZATIONS		
B	General Revenue Fund			
C	GRF	743501 American Ex-Prisoners of War	$45,000	$45,000

D	GRF	746501	Army and Navy Union, USA, Inc.	$85,000	$85,000
E	GRF	747501	Korean War Veterans	$85,000	$85,000
F	GRF	748501	Jewish War Veterans	$62,000	$62,000
G	GRF	749501	Catholic War Veterans	$85,000	$85,000
H	GRF	750501	Military Order of the Purple Heart	$85,000	$85,000
I	GRF	751501	Vietnam Veterans of America	$310,000	$310,000
J	GRF	752501	American Legion of Ohio	$450,000	$450,000
K	GRF	753501	AMVETS	$450,000	$450,000
L	GRF	754501	Disabled American Veterans	$450,000	$450,000
M	GRF	756501	Marine Corps League	$214,000	$214,000
N	GRF	757501	37th Division Veterans' Association	$17,000	$17,000
O	GRF	758501	Veterans of Foreign Wars	$450,000	$450,000
P	General Revenue Fund Total			$2,788,000	$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			$2,788,000	$2,788,000

Section 415.10. 111232
111233

	1	2	3	4	5
A			DVS DEPARTMENT OF VETERANS SERVICES		
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	$51,956,758	$52,999,692
D	GRF	900402	Hall of Fame	$74,317	$75,966
E	GRF	900408	Department of Veterans Services	$5,077,924	$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	$1,559,990	$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	$975,000	$0
H	General Revenue Fund Total			$59,643,989	$59,814,297
I	Dedicated Purpose Fund Group				
J	4840	900603	Veterans' Homes Services	$680,004	$700,000
K	4E20	900602	Veterans' Homes Operating	$14,000,000	$14,000,000
L	5DB0	900643	Military Injury Relief Program	$97,000	$97,000
M	5YP0	900650	Sports Gaming - Veterans	$75,000	$75,000
N	Dedicated Purpose Fund Group Total			$14,852,004	$14,872,000

O	Federal Fund Group				
P	3680	900614	Veterans Training	$980,404	$1,021,705
Q	3BX0	900609	Medicare Services	$1,000,000	$2,059,273
R	3L20	900601	Veterans' Homes Operations - Federal	$31,500,000	$31,500,000
S	Federal Fund Group Total			$33,480,404	$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS			$107,976,397	$109,267,275

Section 415.20. VETERANS ORGANIZATIONS' RENT

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under Section 2r of Article VIII, Ohio Constitution.

Section 417.10.

1	2	3	4	5
A	DVM STATE VETERINARY MEDICAL LICENSING BOARD			
B	Dedicated Purpose Fund Group			

C	4K90	888609	Operating Expenses	$532,551	$554,811
D	5YG0	888603	Veterinarian Student Debt Assistance Program	$100,000	$100,000
E	Dedicated Purpose Fund Group Total			$632,551	$654,811
F	Internal Service Activity Fund Group				
G	5BU0	888602	Veterinary Student Loan Program	$20,000	$20,000
H	Internal Service Activity Fund Group Total			$20,000	$20,000
I	TOTAL ALL BUDGET FUND GROUPS			$652,551	$674,811

Section 419.10. 111247
111248

1	2	3	4	5
A	VPB STATE VISION PROFESSIONALS BOARD			
B	Dedicated Purpose Fund Group			
C	4K90	129609	Operating Expenses	$609,659	$668,146
D	Dedicated Purpose Fund Group Total			$609,659	$668,146
E	TOTAL ALL BUDGET FUND GROUPS			$609,659	$668,146

Section 421.10. 111249
111250

1	2	3	4	5

A			DYS DEPARTMENT OF YOUTH SERVICES		
B	General Revenue Fund				
C	GRF	470401	RECLAIM Ohio	$218,505,972	$220,528,981
D	GRF	470412	Juvenile Correctional Facilities Lease Rental Bond Payments	$17,500,000	$17,500,000
E	GRF	470510	Youth Services	$16,702,000	$16,702,000
F	GRF	472321	Parole Operations	$11,547,202	$11,926,365
G	GRF	477321	Administrative Operations	$17,177,391	$18,017,753
H	General Revenue Fund Total			$281,432,565	$284,675,099
I	Dedicated Purpose Fund Group				
J	1470	470612	Vocational Education	$1,436,125	$1,494,968
K	1750	470613	Education Services	$4,140,884	$4,317,416
L	4790	470609	Employee Food Service	$30,300	$30,300
M	4A20	470602	Child Support	$95,000	$95,000
N	4G60	470605	Juvenile Special Revenue - Non-Federal	$115,000	$115,000
O	5BN0	470629	E-Rate Program	$71,000	$71,000
P	Dedicated Purpose Fund Group Total			$5,888,309	$6,123,684

Q	Federal Fund Group				
R	3210	470601	Education	$1,899,343	$1,956,154
S	3210	470603	Juvenile Justice Prevention	$2,473,806	$2,481,942
T	3210	470606	Nutrition	$1,551,000	$1,551,000
U	3210	470614	Title IV-E Reimbursements	$1,521,776	$1,529,243
V	3V50	470604	Juvenile Justice/Delinquency Prevention	$1,657,737	$1,731,824
W	Federal Fund Group Total			$9,103,662	$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS			$296,424,536	$300,048,946

Section 421.20.

COMMUNITY PROGRAMS

For purposes of implementing juvenile sentencing reforms, and notwithstanding any provision of law to the contrary, the Department of Youth Services may use up to $1,375,000 of the unexpended, unencumbered balance of the portion of appropriation item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs.

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 470412, Juvenile

Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

EDUCATION SERVICES

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 423.10.

1	2	3	4	5
A		KID DEPARTMENT OF CHILDREN AND YOUTH		
B	General Revenue Fund			

C	GRF	650400	Medicaid Program Support - State	$1,393,000	$1,393,000
D	GRF	830321	Children and Youth Program Management	$57,020,372	$57,790,676
E	GRF	830400	Child Care State/Maintenance of Effort	$93,636,000	$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	$500,000	$500,000
G	GRF	830403	Help Me Grow	$63,591,050	$85,521,869
H	GRF	830404	Infant Vitality	$22,032,544	$22,111,256
I	GRF	830405	Part C Early Intervention	$30,621,922	$32,696,362
J	GRF	830406	Strong Families Strong Communities	$13,600,000	$3,600,000
K	GRF	830407	Early Childhood Education	$130,319,450	$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	$6,052,091	$6,150,959
M	GRF	830410	Family and Children First	$2,706,000	$2,706,000
N	GRF	830411	Imagination Library	$10,000,000	$10,000,000
O	GRF	830415	Parenting and Pregnancy Program	$10,000,000	$10,000,000
P	GRF	830416	Adoption Grant Program	$34,000,000	$34,000,000

Q	GRF	830419	Children's Crisis Care	$1,235,000	$1,235,000
R	GRF	830500	Early Care and Education	$141,285,000	$141,285,000
S	GRF	830501	Kinship Permanency Incentive Program	$1,000,000	$1,000,000
T	GRF	830502	Court Appointed Special Advocates	$1,000,000	$1,000,000
U	GRF	830503	Adoption Services	$23,992,000	$23,992,000
V	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	$4,000,000	$4,000,000
W	GRF	830506	Family and Children Services	$303,959,990	$298,959,990
X	General Revenue Fund Total			$951,944,419	$961,898,729
Y	Dedicated Purpose Fund Group				
Z	1980	830600	Children's Trust Fund	$5,770,407	$5,800,246
AA	2320	830613	Family and Children First	$2,485,214	$2,514,051
AB	4E70	830615	Family and Children Services Collections	$650,000	$650,000
AC	4F10	830607	Family and Children Activities	$655,000	$655,000
AD	5BN1	830618	Child Welfare Training Support	$7,387,465	$7,387,465

AE	5BO1	830620	Children and Youth Community Initiatives	$20,000,000	$10,000,000
AF	5BP1	830621	Agency Oversight and Support	$12,000,000	$10,000,000
AG	5CN0	830617	Choose Life	$80,000	$80,000
AH	5U60	830619	Family and Children Support	$400,000	$400,000
AI	Dedicated Purpose Fund Group Total			$49,428,086	$37,486,762
AJ	Federal Fund Group				
AK	3201	830608	Maternal and Child Health Block Grant	$5,000,000	$5,000,000
AL	3270	830601	Child Welfare	$31,024,665	$31,147,396
AM	3980	830612	Adoption Program	$215,000,000	$215,000,000
AN	3A91	830622	Mental Health Block Grant	$1,698,892	$1,698,892
AO	3C50	830610	Preschool Special Education	$16,026,864	$16,026,864
AP	3D30	830602	Children's Trust Fund	$7,030,643	$7,048,243
AQ	3F02	650600	Medicaid Program Support - Federal	$1,393,000	$1,393,000
AR	3H70	830604	Child Care	$597,383,509	$643,000,000
AS	3IT0	830609	Community Social Service	$22,803,908	$22,803,908

		Programs		
AT	3IU0	830623 Federal Children and Youth Grants	$52,000,000	$52,000,000
AU	3N00	830603 Foster Care Program	$337,778,385	$338,091,973
AV	3V62	830605 TANF Block Grant	$427,850,000	$427,850,000
AW	Federal Fund Group Total		$1,714,989,866	$1,761,060,276
AX	TOTAL ALL BUDGET FUND GROUPS		$2,716,362,371	$2,760,445,767

Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE

Of the foregoing appropriation item 830402, Maternal and Infant Housing Assistance, up to $500,000 in each fiscal year shall be used to support stable housing initiatives for pregnant mothers and their families to improve maternal and infant health outcomes.

Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS

Of the foregoing appropriation item, 830404, Infant Vitality, not less than $7,500,000 in each fiscal year shall be used to support programming by community and local faith-based service providers that invests in maternal health programs, provides services and support to pregnant mothers, and improves both maternal and infant health outcomes.

Of the foregoing appropriation item 830404, Infant Vitality, up to $1,000,000 in each fiscal year shall be used to support the per diem nonmedical services provided by residential infant care centers.

The remainder of appropriation item 830404, Infant

Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, group prenatal care, preconception education, continuous support for women during pregnancy and childbirth, patient navigators, community health workers, early childhood home visiting, safe birth spacing, gestational diabetes, smoking cessation tailored for pregnant women, breastfeeding, care coordination, and progesterone.

Section 423.40. PART C EARLY INTERVENTION

Of the foregoing appropriation item 830405, Part C Early Intervention, up to $7,000,000 in fiscal year 2026 and up to $9,000,000 in fiscal year 2027 may be used by the Department of Children and Youth to subgrant or contract with county boards of developmental disabilities for the provision of early intervention evaluations, assessments, and service coordination. County boards of developmental disabilities that accept these funds shall maintain the level of local funding for early intervention at the same funding level as the prior fiscal year.

Of the foregoing appropriation item 830405, Part C Early Intervention, $1,000,000 in total in each fiscal year shall be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special

instruction services and family support to children under the age of three with blindness or low vision.

Section 423.50. CHILDREN'S MENTAL HEALTH

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to $3,600,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

The foregoing appropriation item 830505, Infant and Early Childhood Mental Health, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool expulsions and promote kindergarten readiness. Funds shall be used by the Department of Children and Youth, in coordination with Department of Behavioral Health, to support infant and early childhood mental health credentialed professionals and consultation services, as well as administration, workforce development for the program, and program evaluation.

Section 423.60. PEDIATRIC CANCER RESEARCH

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to $10,000,000 in fiscal year 2026 shall be used to provide funding to qualified entities in Ohio to support any of the following:

(A) Research into causes, diagnoses, prevention, and treatment of pediatric cancer;

(B) The study of new and novel approaches to researching and treating pediatric cancer, as well as the side effects of cancer treatment, including discovering and developing new

drugs, clinical trials, neurosurgery, and other surgical interventions, diagnostics, care management, and learning disabilities.

Section 423.70. EARLY CHILDHOOD EDUCATION

The foregoing appropriation item 830407, Early Childhood Education, shall be used to pay the costs of the Early Childhood Education Grant Program to provide quality preschool instruction to improve kindergarten readiness. The Department shall distribute such funds directly to qualifying providers as specified in section 5104.53 of the Revised Code.

Section 423.80. EARLY CARE AND EDUCATION LEARNING STANDARDS

The foregoing appropriation item 830409, Early Care and Education Learning Standards, shall be used to support the state's early learning assessment work, the assessments required under section 3301.0715 of the Revised Code, and the implementation of curricula, assessments, and learning activities that are aligned with the science of reading and the early learning and development standards.

Section 423.90. PARENTING AND PREGNANCY PROGRAM

The foregoing appropriation item 830415, Parenting and Pregnancy Program, shall be used, in accordance with section 5180.71 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.

An amount equal to the unexpended, unencumbered balance of appropriation item 830415, Parenting and Pregnancy Program, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027.

Section 423.100. ADOPTION GRANT PROGRAM

The foregoing appropriation item 830416, Adoption Grant Program, shall be used to administer grants to adoptive parents through the Adoption Grant Program, in accordance with sections 5180.451 and 5180.452 of the Revised Code.

Section 423.110. COURT APPOINTED SPECIAL ADVOCATES

Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to $333,333 in each fiscal year shall be used to support administrative costs associated with existing court-appointed special advocate programs.

Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to $666,667 in each fiscal year shall be used to establish court-appointed special advocate programs in areas of the state that are not served by an existing program and to support existing programs.

Section 423.120. FAMILY AND CHILDREN SERVICES AND ACTIVITIES

Of the foregoing appropriation item 830506, Family and Children Services, up to $25,000,000 in each fiscal year shall be provided to assist with the expense of providing services to youth requiring support from multiple systems. These funds may be used for youth currently in the custody of a public children services agency or to prevent children from entering into the custody of a public children services agency by custody relinquishment or another mechanism. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 830506, Family and Children Services, up to $10,000,000 in each fiscal year may be

used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 830506, Family and Children Services, $150,000 in each fiscal year shall be distributed to Cleveland State University for the Sullivan-Deckard Scholarship Opportunity Program and the Helen Packer Scholarship Program to provide tuition and wrap-around services to young adults who have aged out of foster care.

Of the foregoing appropriation item, 830506, Family and Children Services, not less than $180,000,000 in fiscal year 2026 and not less than $185,000,000 in fiscal year 2027 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, $17,600,000 in each fiscal year shall be used to provide an initial allocation of $200,000 to each county and the remainder shall be provided using the formula in section 5180.41 of the Revised Code.

If the funds available for distribution under section 5180.41 of the Revised Code in fiscal year 2026 and fiscal year 2027 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5180.411 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must

contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Of the foregoing appropriation item 830506, Family and Children Services, up to $35,309,990 in each fiscal year shall be used to support activities associated with the delivery of children services activities, including recruiting and retaining foster parents, identifying and supporting kinship providers, family preservation, prevention, direct services, and best practices.

Of the foregoing appropriation item 830506, Family and Children Services, up to $20,000,000 in fiscal year 2026 and up to $10,000,000 in fiscal year 2027 shall be used to assist with the establishment of regional child wellness campuses. The Department of Children and Youth shall provide one-time funding to establish regional child wellness campuses across the state to serve children and youth who are in the custody of a public children services agency and who are not placed in a licensed residential setting and are otherwise spending one or more nights in an unlicensed setting. Regional child wellness campuses shall support children in crisis in or near the communities in which the children reside and create additional capacity for short-term treatment. The Department of Children and Youth shall select entities applying to establish regional child wellness campuses through a competitive process. An entity shall provide proof of local funding commitments that fulfill all necessary start-up costs and ongoing community commitments to ensure timely and appropriate delivery of service to meet the needs of the child, family, and community.

Of the foregoing appropriation item 830506, Family and Children Services, at least $17,000,000 in each fiscal year shall be used for federal match requirements for Title IV-B and Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 funding.

Of the foregoing appropriation item 830506, Family and Children Services, up to $3,000,000 in each fiscal year shall be provided to the Ohio Network of Children's Advocacy Centers to administer and distribute grants to Child Advocacy Centers to coordinate statewide access to investigation, prosecution, and treatment of child sexual abuse, while helping children heal.

The foregoing appropriation item 830607, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM

Of the foregoing appropriation item 830506, Family and Children Services, up to $8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 funds.

Section 423.140. WENDY'S WONDERFUL KIDS

Of the foregoing appropriation items 830506, Family and Children Services, 830601, Child Welfare, and 830612, Adoption Program, a total of up to $10,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused model to find permanent homes for children in Ohio foster care.

Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from

the Department of Children and Youth, in consultation and coordination with the Department of Job and Family Services, from the foregoing appropriation item 830506, Family and Children Services, or 830502, Court Appointed Special Advocates, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section.

Section 423.160. CHILDRENS CRISIS CARE

The foregoing appropriation item 830419, Childrens Crisis Care, shall be allocated by the Department of Children and Youth in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Children and Youth shall calculate funds semi-annually and allocate funds quarterly based on the total number of days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and any rules adopted under that section.

Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT

Of the foregoing appropriation item 830608, Maternal and Child Health Block Grant, up to $5,000,000 in each fiscal year shall be used to implement Title V Maternal and Child Health Services Block Grant activities in the prenatal, maternal, perinatal, and infant domains.

Section 423.180. MENTAL HEALTH BLOCK GRANT

The foregoing appropriation item 830622, Mental Health Block Grant, shall be used for infant and early childhood mental health activities.

Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM

(A) Of the foregoing appropriation item, 830604, Child Care, a portion in each fiscal year shall be used by the Department of Children and Youth to establish and administer the Child Care Choice Voucher Program. Subject to available funds, the program shall provide support, in the form of vouchers, to families to assist them with child care costs. To be eligible to participate in the program, a family must meet all of the following conditions:

(1) The caretaker parent is employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving child care.

(2) The family does not meet the income conditions for initial eligibility under the Publicly Funded Child Care Program administered by the Department as described in section 5104.30 of the Revised Code, but the maximum amount of the family's income does not exceed two hundred percent of the federal poverty line.

(3) The family meets any other condition established by the Department.

(B) In providing vouchers under this section, the program shall utilize, not later than November 1, 2026, the publicly funded child care payment rates established in section 5104.30 of the Revised Code and adjusted as described in section 5104.302 of the Revised Code.

Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS

A portion of the foregoing appropriation item 830609, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:

(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:

(1) Conduct forums and hearings;

(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;

(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;

(4) Hire staff;

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.

(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.

Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS

Of the foregoing appropriation item 830623, Federal

Children and Youth Grants, up to $195,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.

Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT

Of the foregoing appropriation item 830605, TANF Block Grant, at least $5,000,000 in each fiscal year shall be used for the Kinship Permanency Incentive Program established under section 5180.52 of the Revised Code to promote a permanent commitment by kinship caregivers through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes.

Of the foregoing appropriation item 830605, TANF Block Grant, not less than $2,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Commission on Fatherhood.

Of the foregoing appropriation item 830605, TANF Block Grant, not less than $2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care who meet TANF eligibility requirements.

Of the foregoing appropriation item 830605, TANF Block Grant, not less than $1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of

the Revised Code, to the Ohio Children's Trust Fund.

Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY

Beginning on the effective date of this section and through June 30, 2027, all of the following apply to a family's eligibility for publicly funded child care as described in division (A) of section 5104.38 of the Revised Code:

(A) Except as provided in division (B) of this section, the maximum amount of income that a family may have for initial eligibility shall not exceed one hundred sixty per cent of the federal poverty line;

(B) For special needs child care, as defined in section 5104.01 of the Revised Code, the maximum amount of income that the family may have for initial eligibility shall not exceed one hundred sixty per cent of the federal poverty line;

(C) The maximum amount of income that a family may have for continued eligibility shall not exceed three hundred per cent of the federal poverty line.

Section 425.10.

1	2	3	4	5
A		NAI NEW AFRICAN IMMIGRANTS COMMISSION		
B	General Revenue Fund			
C	GRF	061501 Operating Expenses	$250,000	$250,000
D	General Revenue Fund Total		$250,000	$250,000
E	TOTAL ALL BUDGET FUND GROUPS		$250,000	$250,000

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Intra-State, may be exempted from the requirements of this section.

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation in this act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, or for payments under lease agreements relating to, or debt service on, bonds, notes, or other obligations of the state. Notwithstanding any other

statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it.

Section 503.30. CAPITAL PROJECT SETTLEMENTS

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that sufficient unencumbered moneys do not exist in the fund to support a particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the Director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The amount of an increase in appropriation or new appropriation approved by the Controlling Board is hereby

appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the Director does not make the application authorized by this section or the Controlling Board disapproves the application, and the Director does not make application under division (C)(4) of section 2743.19 of the Revised Code, the Director shall for the purpose of making that payment make a request to the General Assembly as provided for in division (C)(5) of that section.

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

(A) Notwithstanding the original year of appropriation or encumbrance, the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2025 or fiscal year 2026 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this

section, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on state contract or an item not available in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended;

(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2026 - FY 2027 biennium.

(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2026 or fiscal year 2027 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

Section 503.60. CORRECTION OF ACCOUNTING ERRORS

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or state institution of higher education, as defined in section 3345.011 of the Revised Code, such as reestablishing prior year non-operating encumbrances canceled or modified in error. The reestablished encumbrance amounts are hereby appropriated.

Section 503.70. TEMPORARY REVENUE HOLDING

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Notwithstanding section 153.63 of the Revised Code or any other provision of law to the contrary, upon certification by a director or head of a state agency, in lieu of banks, buildings and loan associations, or other institutions, the Director of Budget and Management may create funds in the state treasury on behalf of an agency when the agency is required by law to detain

funds in escrow. All investment earnings of the fund shall be credited to the fund while the detained amounts remain in escrow. The Director of Budget and Management may transfer cash between funds within the state treasury to satisfy escrow requirements.

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the

state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2027.

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements

relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2025, through June 30, 2027, relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

Section 505.10. ARBITRAGE REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such an amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

Section 505.20. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from

a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts

within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS

Notwithstanding section 113.09 of the Revised Code, the Director of Budget and Management may designate any fund within the state treasury that receives federal revenue to be credited with investment earnings to comply with federal law.

Section 505.70. REPAYMENT OF FEDERAL FUNDS

Any unexpended federal revenue received into the state treasury remaining at the end of its applicable period for expenditure which must be returned in compliance with federal law, is hereby appropriated to the fund in which it was received, for that purpose.

Section 505.75. STATE FISCAL RECOVERY FUND

An amount equal to the unexpended and unencumbered portions of appropriation items under the State Fiscal Recovery Fund (Fund 5CV3) plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2025 are hereby reappropriated for the same purpose in fiscal year 2026. An amount equal to the unexpended and unencumbered portions of appropriation items under Fund 5CV3 plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2026 are hereby reappropriated for the same purpose in fiscal year 2027.

The Director of Budget and Management may create new appropriation items under Fund 5CV3. In each fiscal year, the Director may transfer appropriation among newly created or existing appropriation items under Fund 5CV3. The Director shall

report appropriation transfers made under this section to the Controlling Board no later than January 30, 2027.

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS

Amounts equal to the unexpended portions of appropriation items under the following recovery and relief funds, at the end of fiscal year 2025 are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), Governor's Emergency Education Relief Fund (Fund 3HQ0), Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects Fund (5CV5), ARPA Home and Community Based Services – Federal Fund (Fund 3HC8), and ARPA Home and Community Based Services Fund (Fund 5HC8).

Amounts equal to the unexpended portions of appropriation items under the following recovery and relief funds, at the end of fiscal year 2026, are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2027: ARPA Home and Community Based Services – Federal Fund (Fund 3HC8), Governor's Emergency Education Relief Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital Projects Fund (Fund 5CV5), and ARPA Home and Community Based Services Fund (Fund 5HC8).

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND

INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2027, may transfer interest earned by any state fund to the General

Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $200,000,000 cash, during the biennium ending June 30, 2027, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund.

SCHOOL DISTRICT TANGIBLE PROPERTY TAX REPLACEMENT FUND

During the biennium ending June 30, 2027, the Director of Budget and Management may transfer cash as necessary from the School District Tangible Property Tax Replacement Fund (Fund 7047) to the General Revenue Fund.

LOCAL GOVERNMENT TANGIBLE PROPERTY TAX REPLACEMENT FUND

During the biennium ending June 30, 2027, the Director of Budget and Management may transfer cash as necessary from the Local Government Tangible Property Tax Replacement Fund (Fund 7081) to the General Revenue Fund.

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND

STATE MARKETING OFFICE FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to $15,000,000 cash from the General Revenue Fund to the State Marketing Office Fund (Fund 5MJ0).

FOUNDATION FUNDING - ALL STUDENTS FUND

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $600,000,000 cash, in each fiscal year, from the General Revenue Fund to the Foundation Funding - All Students Fund (Fund 5VS0).

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer $20,000,000 cash from the General Revenue Fund to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0) to support the Talent Ready Grant Program.

SECOND CHANCE GRANT PILOT PROGRAM FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to $4,000,000 cash from the General Revenue Fund to the Second Chance Grant Pilot Program Fund (Fund 5YD0).

PROFESSIONAL DEVELOPMENT FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer $2,000,000 cash from the General Revenue Fund to the Professional Development Fund (Fund 5L70).

MARCS ADMINISTRATION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer up to $10,500,000 cash from the General Revenue Fund to the MARCS Administration Fund (Fund 5C20).

WILDLIFE FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer $500,000 cash from the General Revenue Fund to the Wildlife Fund (Fund 7015).

TRANSCRANIAL MAGNETIC STIMULATION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer $4,000,000 cash from the General Revenue Fund to the Transcranial Magnetic Stimulation Fund (Fund 5VV0).

EWARRANT LOCAL INTEGRATION FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer $4,000,000 cash from the General Revenue Fund to the eWarrant Local Integration Fund (Fund 5AZ1).

H2OHIO FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer $270,276,066 from the General Revenue Fund to the H2Ohio Fund (Fund 6H20).

Section 513.10. FISCAL YEARS 2025 AND 2026 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2025, and on June 30, 2026, shall remain in the General Revenue Fund.

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that

may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	$136,000	$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	$1,551,682	$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	$274,997	$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	$1,420,000	$1,467,000

Section 515.20. TRANSFER TO HOUSING INVESTMENT PROGRAM FUND

Notwithstanding any provision of law to the contrary, on July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer up to $100,000,000 cash from the Expanded Sales Tax Holiday Fund (Fund 5AX1) to the Housing Investment Program Fund (Fund 5CH1).

Section 515.30. TEMPORARY TRANSFER TO UNEMPLOYMENT COMPENSATION SPECIAL ADMINISTRATIVE FUND

On July 1, 2025, or as soon as possible thereafter, the

Director of Budget and Management may transfer up to $15,000,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Unemployment Compensation Special Administrative Fund (Fund 4A90) to pay the costs of building and developing a new unemployment insurance information technology system.

Not later than June 30, 2027, the Director of Budget and Management, upon the request of the Director of Job and Family Services, shall transfer cash equal to the amount previously transferred to Fund 4A90 from Fund 5KM0 in fiscal year 2026, from Fund 4A90 back to Fund 5KM0.

Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS

Notwithstanding any provision of law to the contrary, upon request of the Director of Administrative Services, the Director of Budget and Management may make temporary cash transfers between the Accrued Leave Liability Fund (Fund 8060), the State Employee Health Benefit Fund (Fund 8080), the Dependent Care Spending Fund (Fund 8090), the Life Insurance Investment Fund (Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and the Health Care Spending Account Fund (Fund 8130) to ensure appropriate and supportable cash flow.

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS

(A) On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

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1	2	3	4	5
A	Transfer from:		Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	DMH	3A60	Federal-Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund

K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

	1	2	3
A	User Agency	Fund	Fund Name
B	AGR	5HP0	Ohio Livestock Care Standards Fund
C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund

K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

Section 518.10. OHIO STATE SMALL BUSINESS CREDIT INITIATIVE VENTURE CAPITAL PROGRAM FUND

The Ohio State Small Business Credit Initiative Venture Capital Program Fund (Fund 3IC0) is hereby created in the state treasury. Money in the fund shall be used to pay the expenses of the Ohio Department of Development for the Ohio Growth Capital, Ohio Early-Stage Focus, Certified Development Financial Institution Loan, and Collateral Enhancement programs, including administrative expenses. All federal funds received from the State Small Business Credit Initiative of the United States Department of the Treasury shall be credited to the fund. All investment earnings of the fund shall be credited to the fund.

Section 525.10. (A) As used in this section, "Ohio Benefits Program" means the integrated enterprise solution administered by the Department of Administrative Services that assists individuals in verifying eligibility for, and applying for, benefits offered through various programs administered by the Department of Job and Family Services and the Department of Medicaid, including the Medicaid program, Supplemental Nutrition Assistance Program, and Temporary Assistance for Needy Families.

(B) Not later than July 1, 2026, the Director of Administrative Services and the Director of Job and Family Services shall develop a detailed organizational plan and enter into a memorandum of understanding to transfer administration of the Ohio Benefits Program from the Department of Administrative Services to the Department of Job and Family Services.

(C) Not later than July 1, 2027, the Director of Administrative Services may transfer the Director's responsibility for administering the Ohio Benefits Program to the Director of Job and Family Services. If the Director of Administrative Services transfers the program, all of the following apply:

(1) All contracts, records, documents, files, equipment, assets, materials, and staff resources that relate to the Ohio Benefits Program shall be transferred to the Director of Job and Family Services.

(2) Any business commenced, but not completed, by July 1, 2027, by the Director of Administrative Services with respect to the Ohio Benefits Program shall be completed by the Director of Job and Family Services in the same manner, and with the same effect, as if completed by the Director of Administrative Services.

(3) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer of the Ohio Benefits Program.

(D) If the Director of Administrative Services transfers the program, no action or proceeding pending on the date of the transfer is affected by the transfer, and any such action or proceeding shall be prosecuted or defended in the name of the Director of Job and Family Services or Department of Job and Family Services. In all such actions or proceedings, the Director or Department, on application to the court, shall be substituted as a party.

(E) If the Director of Administrative Services transfers the program, all rules, orders, and determinations issued with

respect to the Ohio Benefits Program continue in effect as if issued by the Director of Job and Family Services until modified or rescinded by the Director. Pursuant to section 103.05 of the Revised Code, the Director of the Legislative Service Commission may renumber any rules related to the Ohio Benefits Program to reflect its transfer.

(F) If the Director of Administrative Services transfers the program, the Director of Administrative Services and the Director of Job and Family Services, jointly or separately, may enter into a contract with a public or private entity for staff training and development to facilitate the transfer of the Ohio Benefits Program. Division (B) of section 127.16 of the Revised Code does not apply to a contract entered into under this division.

(G) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, if the Director of Administrative Services transfers the program, all of the Director of Administrative Service's employees, as identified by the Director, whose primary responsibilities include administering the Ohio Benefits Program are transferred to the Department of Job and Family Services. Except as provided in division (H) of this section, employees transferred under this division retain their positions and all of the benefits accruing thereto. Any changes to an employee's position or benefits that occur after the employee is transferred to the Department under this division are subject to Chapter 124. of the Revised Code. Any actions taken under this division are not appealable to the State Personnel Board of Review.

(H) If the Director of Administrative Services transfers the program, the Director of Job and Family Services may do all

of the following:

(1) Establish, change, or abolish positions within the Department of Job and Family Services;

(2) Assign, reassign, classify, reclassify, transfer, reduce, promote, or demote employees of the Department who are not subject to Chapter 4117. of the Revised Code;

(3) Assign or reassign an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit for purposes of Chapter 4117. of the Revised Code if the Director determines the bargaining unit is the appropriate bargaining unit with respect to that exempt employee.

(I) If, in accordance with division (H) of this section, the Director of Job and Family Services assigns, reassigns, classifies, reclassifies, transfers, reduces, or demotes an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code to a position in a lower classification, both of the following apply:

(1) The Director of Job and Family Services, or if the employee is transferred outside of the Department of Job and Family Services, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in pay step X.

(2) The employee shall not receive an increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(J) If the Director of Administrative Services transfers the program, the Director of Job and Family Services, with the approval of the Director of Budget and Management, may establish a retirement incentive plan for employees transferred to the

Department of Job and Family Services under division (G) of this section. Notwithstanding any provision to the contrary in section 145.297 of the Revised Code, if the Director establishes such a plan under this division, it shall remain in effect until December 31, 2027.

(K) Notwithstanding any provision to the contrary in sections 4117.08 and 4117.10 of the Revised Code, the transfer of the Ohio Benefits Program and the transfer of employees described under division (J) of this section, and the reassignment of administering the Ohio Benefits Program, are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

(L) Notwithstanding any provision of law to the contrary, if the Director of Administrative Services transfers the program, the Director of Budget and Management shall make budget and accounting changes to implement the transfer. The Director may rename funds, create new funds, transfer funds, consolidate funds, or make other administrative changes. If necessary, the Director may cancel or establish encumbrances or parts of encumbrances in the appropriate funds and appropriation items for the same purposes and for payments to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of the Ohio Benefits Program, the Director may transfer appropriations between the Department of Job and Family Services and the Department of Administrative Services to continue levels of program services and efficiently deliver funding to the program as appropriated under this division. Such changes are hereby appropriated.

Section 525.20. PROGRAM TRANSFERS

(A) Notwithstanding any provision of law to the contrary,

before July 1, 2027, the Department of Development shall transfer the entirety of its responsibility of managing the following programs to the Ohio Department of Job and Family Services:

(1) Low-income customer assistance programs;

(2) Electric Partnership Plan Fund;

(3) Consumer Education Program;

(4) Community Services Block Grant.

(B) Any business commenced but not completed by July 1, 2027, within the Department of Development that is planned to be transferred pursuant to this section shall be completed by the Department of Job and Family Services in the same manner and with the same effect as if completed by the Department of Development.

(C) By July 1, 2026, the Director of Job and Family Services and the Director of Development, or their designees, shall develop a detailed organizational plan to implement the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services. Pursuant to this plan, the directors of the respective departments shall enter into a memorandum of understanding to implement the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services.

(D) The Director of Job and Family Services and the Director of Development may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of duties and functions of the programs listed in this section from the

Department of Development to the Department of Job and Family Services. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

(E) All Department of Development employees and resources identified by the Director of Development to be associated with the work of the programs listed in this section are transferred to the Department of Job and Family Services on July 1, 2027, or an earlier date identified by the respective directors. Subject to the layoff provisions of sections 124.321 to 124.381 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the Department of Job and Family Services, changes to positions or benefits for employees shall be controlled by Chapter 124. of the Revised Code, or other applicable Revised Code or Administrative Code sections. Actions taken under this section are not subject to appeal to the State Personnel Board of Review.

(1) Notwithstanding division (E) of this section, the Director of Job and Family Services has the authority to establish, change, and abolish positions for the Department of Job and Family Services, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Job and Family Services who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director of Job and Family Services determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay

range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification, the Director of Job and Family Services, or in the case of a position transferred outside of the Department, the Director of Development, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) Notwithstanding any provision to the contrary in sections 4117.08 and 4117.10 of the Revised Code, the transfer of programs and employees under this section, and the reassignment of certain functions and duties, are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

(4) The Director of Job and Family Services may, with the approval of the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those agencies who are members of the Public Employee Retirement System whose job duties will be transferred to the Department of Job and Family Services. Notwithstanding any provision of section 145.297 of the Revised Code to the contrary, a retirement incentive plan established pursuant to this section shall remain in effect until December 31, 2027.

(F) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Department of Job and Family Services. No action or proceeding pending on the effective date of the transfer of duties, functions, and programs to the Department of Job and

Family Services is affected by the transfer and shall be prosecuted or defended in the name of the Department or Director, as appropriate. In all such actions for those transferred duties, functions, and programs, the Department or Director shall be substituted as a party.

(G) Effective July 1, 2027, or on an earlier date determined by the directors identified in this division, all contracts, records, documents, files, equipment, assets, and other materials of the programs and staff resources transferred under this section are to be transferred to the Department of Job and Family Services.

(H) All rules, orders, and determinations made or undertaken related to programs listed in this section shall continue in effect as rules, orders, and determinations of the Department of Job and Family Services until modified or rescinded by the Department of Job and Family Services. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules related to the programs listed in this section to reflect this transfer.

(I) Notwithstanding any provision of law to the contrary, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and program of the programs listed in this section to the Department of Job and Family Services as described in this section, including administrative organization, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director of Budget and Management may, if necessary, cancel or establish encumbrances or parts of encumbrances in the appropriate funds and appropriation items

for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of programs listed in this section, the Director of Budget and Management may transfer appropriations between the Department of Job and Family Services and the Department of Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein. Such changes are hereby appropriated.

Section 610.10. That Sections 125.10 (as amended by H.B. 33 of the 135th General Assembly) and 125.11 (as amended by H.B. 33 of the 135th General Assembly) of H.B. 59 of the 130th General Assembly are hereby repealed. The repeal removes the limitation imposed on the continued existence of sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, 5168.28, 5168.99, and 5168.991 of the Revised Code.

Section 701.10. As soon as practicable after the effective date of this section, the Director of the Legislative Service Commission shall remove rules adopted before the effective date of this section by a state institution of higher education or its governing body that the state institution of higher education posted on its web site in accordance with section 3345.033 of the Revised Code from the electronic Administrative Code published by or under contract with the Director.

Section 701.20. (A) As used in this section:

(1) "Member of a police department" and "member of a fire department" have the same meanings as in section 742.01 of the Revised Code.

(2) "PERS law enforcement officer" and "PERS public safety officer" have the same meanings as in section 145.01 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, a member of the Public Employees Retirement System who meets all the requirements of division (B) or (C) of section 145.295 of the Revised Code other than the requirement of division (B)(1) or (C)(1) of that section may obtain service credit under that section for one of the following:

(a) If the member, on the effective date of this section, is a PERS law enforcement officer or PERS public safety officer, service for which the member contributed to the Ohio Police and Fire Pension Fund as a member of a police department;

(b) If the member was a member of the System and made an election under section 145.013 of the Revised Code to remain in the System as a firefighter, service for which the member contributed to the Fund as a member of a fire department.

(2) A member of the System is ineligible to obtain service credit under division (B) of this section if the member is eligible to obtain service credit under division (C) of this section.

(C)(1) A member of the Fund who meets all the requirements of division (C) or (D) of section 742.21 of the Revised Code or division (B) or (C) of section 742.214 of the Revised Code other than the requirement that the member be in the active service of a police or fire department may obtain service credit under those sections if both of the following apply:

(a) The member, on the effective date of this section, is a PERS law enforcement officer.

(b) The member is eligible, or with the credit will be eligible, to retire under Chapter 742. of the Revised Code.

(2) The amount to be transferred or paid to the Fund to obtain service credit under this section is the amount specified in division (C)(1), (D)(1), or (I) of section 742.21 of the Revised Code, except that the Fund shall use the appropriate employer contribution under section 742.33 or 742.34 of the Revised Code, instead of meeting the requirement of divisions (C)(1)(d), (D)(1)(b), and (I) of section 742.21 of the Revised Code to use the amount the employer would have contributed for the service had the member been employed by the member's current employer as a member of a police or fire department.

(D) To obtain service credit under this section, a member shall apply to the System or the Fund not later than ninety days after the effective date of this section.

Section 701.30. (A) As used in this section, "exempt employee" has the same meaning as in section 124.152 of the Revised Code, as amended by this act.

(B) To the extent the pay schedules the Director of Administrative Services creates under section 124.152 of the Revised Code, as amended by this act, result in a pay rate change for an exempt employee who is paid in accordance with section 124.152 of the Revised Code, the change shall apply to the pay period that includes July 1, 2025.

(C) If the pay schedules the Director of Administrative Services creates under section 124.152 of the Revised Code, as amended by this act, include a pay range 17, an exempt employee paid in accordance with section 124.152 of the Revised Code who is being paid a salary or wage at step 6 of pay range 17 of the

version of pay schedule E-1 that was in effect before the effective date of this section is eligible to move to step 7 of pay range 17 in the pay schedule created by the Director provided the exempt employee did not advance a step within the twelve-month period immediately preceding the date on which the Director creates the pay schedule. A step increase pursuant to this division applies to the first day of the pay period immediately following the pay period that includes July 1, 2025.

(D) An exempt employee paid in accordance with section 124.152 of the Revised Code who is being paid a salary or wage at step 6 of pay range 17 of the version of pay schedule E-1 that was in effect before the effective date of this section who is ineligible under division (C) of this section to move up to step 7 of pay range 17 in the pay schedule created by the Director is eligible for advancement in accordance with division (G) of section 124.15 of the Revised Code, as amended by this act.

Section 709.10. Of the two additional members appointed to the Ohio Grape Industries Committee under section 924.51 of the Revised Code as amended by this act, the initial term of office of one member shall be for a term of one year and the initial term of office of one member shall be for a term of two years. Thereafter, terms of those members shall be for three years as provided in that section.

Section 731.10. A county prevention specialist who is serving an existing term on a child abuse and child neglect regional prevention council in accordance with section 3109.172 of the Revised Code as of the effective date of this section may complete the council member's term of office.

Section 733.20. (A) Notwithstanding the repeal of former

sections 3313.902, 3314.38, and 3345.86 of the Revised Code and sections 3317.23, 3317.231, and 3317.24 of the Revised Code by this act, any individual enrolled in a program established under one of those sections may do either of the following:

(1) Complete the program in accordance with the applicable section, as it existed prior to the section's repeal or repeal and reenactment by this act, provided the individual completes the program not later than June 30, 2027;

(2) Complete a program described in section 3313.902, 3314.38, or 3345.86 of the Revised Code in accordance with the applicable section, as enacted by this act.

(B) The Department of Education and Workforce shall pay an eligible institution or eligible provider as required by the section under which the individual completes the program.

Section 733.30. Notwithstanding anything to the contrary in division (D) of section 3301.079 and section 3301.0715 of the Revised Code, as amended by this act, for the 2025-2026 school year, school districts, community schools established under Chapter 3314., and STEM schools established under Chapter 3326. of the Revised Code shall administer each diagnostic assessment in accordance with those sections as they existed prior to the effective date of their amendment by this act.

Section 733.40. Notwithstanding anything to the contrary in Revised Code, nothing prohibits any other community college, as defined in section 3333.168 of the Revised Code, from serving the counties previously served by Eastern Gateway Community College under section 3354.24 of the Revised Code.

Nothing in this section exempts a community college from academic program approval by the Chancellor of Higher Education

under section 3333.04 of the Revised Code or from seeking approval under rules adopted by the Chancellor.

Section 747.10. TRANSITION OF PEER SUPPORTER CERTIFICATION

(A)(1) Beginning one year after the effective date of this section, an individual who holds, on the effective date of this section, a valid certificate that is accepted under rules adopted pursuant to section 5119.36 of the Revised Code as authority to practice as a peer recovery supporter, youth peer supporter, or family peer supporter, may apply to the Chemical Dependency Professionals Board to continue practicing as a peer supporter under the certificate issued by the Department of Mental Health and Addiction Services.

(2) At the Board's discretion and notwithstanding section 4758.02 of the Revised Code, the Board may allow an individual to continuing practicing as a peer recovery supporter, youth peer supporter, or family peer supporter until a date the Board specifies. The date the Board specifies shall not be later than the date that is one year after the effective date of the Board's initial rules regarding peer recovery supporters, youth peer supporters, or family peer supporters adopted under section 4758.20 of the Revised Code.

(3) An individual who is permitted to continue practicing under a certificate issued by the Department of Mental Health and Addiction Services under this section may perform services within the scope, standards, and ethics of the certificate issued by the Department until the date specified by the Board.

(B) Notwithstanding the amendments made by this act to sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both of the following apply regarding the position on the Board that

is to be held by a peer recovery supporter, youth peer supporter, or family peer supporter certified by the Board:

(1) The Governor may delay filling the position until the Board's certification of such individuals has been initiated or may choose to fill the position before that time by appointing an individual who otherwise meets the same qualifications.

(2) If the Governor delays filling the position on the Board as described in division (B)(1) of this section, the Board shall operate by making corresponding adjustments to the required number of members who must be present to constitute a quorum.

Section 751.10. PRETRIAL BEHAVIORAL HEALTH INTERVENTION PILOT PROGRAM

(A) As used in this section:

(1) "Clinical nurse specialist" means an advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist in accordance with section 4723.42 of the Revised Code and rules adopted by the Board of Nursing.

(2) "Certified nurse practitioner" means an advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a certified nurse practitioner in accordance with section 4723.42 of the Revised Code and rules adopted by the Board of Nursing.

(3) "Major life activities" means activities of daily living, such as eating, bathing, or dressing; instrumental activities of daily living, such as maintaining a household, managing money, or taking prescribed medications; or functioning

in social, family, vocational, or educational contexts.

(4) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(5) "Physician assistant" means an individual who is authorized under Chapter 4730. of the Revised Code to practice as a physician assistant.

(6) "Serious mental illness" means a mental, behavioral, or emotional disorder resulting in serious functional impairment, which substantially interferes with or limits one or more major life activities.

(B) Subject to appropriations by the General Assembly, the Department of Behavioral Health shall establish and operate a pretrial behavioral health intervention pilot program. On request of the Department of Behavioral Health, the Department of Rehabilitation and Correction shall assist the Department of Behavioral Health with any aspect of this responsibility and the report described in division (H) of this section. The purpose of the pilot program is to divert defendants who are booked in jails and have serious mental illnesses and co-occurring substance use disorders from the criminal justice system into community-based treatment and support services, with the objectives of reducing criminal justice recidivism and improving behavioral health outcomes.

(C) The pilot program shall be established in up to three areas of the state, selected by the Director of Behavioral Health, and shall begin not later than October 1, 2026. The pilot program shall end June 30, 2029.

(D) Through a competitive bidding process, the Department

of Behavioral Health may select one or more entities that are community mental health services providers or community addiction services providers, or both, to operate one or more components of the pilot program on the Department's behalf. The pilot program shall include the following components:

(1) An initial screening process, whereby each defendant identified by a local prosecutor as a potential candidate for the program is screened for signs and symptoms of serious mental illnesses and co-occurring substance use disorders using a screening tool approved by the Department. The Department may develop criteria that local prosecutors can use to identify potential candidates.

(2) A medical screening process, whereby each defendant determined to be showing signs and symptoms of serious mental illness through the initial screening process described in division (D)(1) of this section undergoes an examination by a physician, physician assistant, clinical nurse specialist, or certified nurse practitioner to determine if medical contraindications exist to the defendant participating in the program;

(3) The development of an individualized transition plan for each eligible defendant aimed at reducing criminal justice recidivism and improving psychiatric outcomes, recovery, and community integration;

(4) A treatment and stabilization period, whereby at the conclusion of the period criminal charges against the eligible defendant may be dismissed or modified contingent on the defendant's successful completion of treatment and other elements of the individualized transition plan;

(5) Monitoring of the eligible defendant's progress throughout the program and periodic reporting of such progress, as determined appropriate by the Department, to the relevant court;

(6) Any other component the Department determines is appropriate.

(E) Before a defendant is admitted to the pilot program, the defendant shall be advised of the program's purpose and the consequences to the defendant if the defendant does not comply with the defendant's individualized transition plan, including treatment. The defendant shall also agree, in writing, to participate in the program and sign a consent for release of records including, if applicable, consent for release of substance use disorder patient records.

(F) The Department of Behavioral Health shall specify eligibility criteria for the pilot program. In doing so, and in establishing all other aspects of the program, the Department may consult with other jurisdictions that have implemented similar programs. The Department may also seek input from judges and magistrates, prosecutors, defense attorneys, law enforcement officials, behavioral health professionals, social services agencies, and any other entities the Department determines appropriate.

(G) The Department of Behavioral Health may adopt any rules it considers necessary to implement the pilot program. If the Department adopts rules, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(H) Not later than March 1, 2029, the Department of Behavioral Health shall submit a report to the Governor, the

Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the committees of each house with responsibility for behavioral health care and criminal justice policy. The report shall evaluate the pilot program and make recommendations on whether the program should be continued or expanded into a statewide program.

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the

direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed $10,000,000 in both fiscal year 2026 and fiscal year 2027.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 757.10. The amendment by this act of section 5747.05 of the Revised Code is intended to clarify the meaning of that section as it existed before the effective date of this section and is not intended to change the meaning in any way.

Section 757.20. The amendment by this act of section 5747.40 of the Revised Code is intended to clarify the meaning of that section as it existed prior to the effective date of this section. It is not intended to change the meaning of section 5747.40 of the Revised Code in any way.

Section 757.30. The Tax Commissioner may issue assessments pursuant to the amendment by this act of divisions (A) and (F) of section 5736.09 of the Revised Code on or after the effective date of that amendment, subject to the four-year time limitation prescribed in division (F) of that section.

Section 757.40. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2026-2027 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2026-2027 biennium and future bienniums.

1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates				
	(All Figures in Thousands of Dollars)				
B		Estimate of total value of tax credits authorized		Estimate of tax credits issued/claimed	Expected Out-standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	$170,000	$175,000	$139,200	$145,000	$705,000

E	Job Retention	$0	$0	$15,300	$10,710	$23,000
F	Historic Preservation	$60,000	$60,000	$122,300	$86,100	$372,000
G	Film	$50,000	$50,000	$40,000	$35,000	$100,000
H	Film and Theatre	$25,000	$25,000	$15,000	$25,000	$70,000
I	New Markets	$10,000	$10,000	$7,500	$7,500	$46,000
J	R&D Loan	$0	$0	$0	$0	$5,000
K	InvestOhio Program	$5,000	$5,000	$3,750	$3,750	$7,500
L	Ohio Rural Business Growth	$0	$0	$18,750	$18,750	$7,500
M	Ohio Opportunity Zone	$25,000	$25,000	$25,000	$25,000	$0
N	Transformational Mixed-Use Development	$0	$0	$136,200	$110,600	$237,500

Section 801.10. Section 4141.29 of the Revised Code, as amended by this act, applies to valid applications for determination of benefit rights filed on or after the effective date of this section.

Section 801.20. (A) The amendment by this act of division (A)(18) of section 5747.01 of the Revised Code is intended to clarify the meaning of that division as it existed before the effective date of this section and is not intended to change its meaning in any way.

(B) The amendment by this act of division (S)(14) of section 5747.01 of the Revised Code applies to taxable years beginning on and after January 1, 2025.

Section 801.30. The amendment or enactment by this act of section 5747.051 of the Revised Code applies to taxable years beginning on or after January 1, 2025.

Section 801.40. The amendment by this act of section 5747.09 and division (C) of section 5747.43 of the Revised Code applies to taxable years beginning on or after January 1, 2025.

Section 801.50. The amendment by this act of sections 5753.021 and 5753.031 of the Revised Code applies to sports gaming receipts received on and after July 1, 2025.

Section 801.60. The repeal and reenactment by this act of section 3780.22 and the amendment by this act of section 3780.23 of the Revised Code apply on and after July 1, 2025.

Section 801.70. The amendment by this act of sections 5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised Code involving notice to the tax commissioner applies to resolutions adopted under sections 5748.02, 5748.021, 5748.08, and 5748.09 and petitions filed under section 5748.04 of the Revised Code on or after the effective date of those amendments.

Section 801.80. (A) The amendment by this act of sections 5743.02, 5743.025, and 5743.32 and division (S) of section 5743.01 of the Revised Code applies beginning on and after October 1, 2025.

(B) Except as provided in division (A) of this section, the amendment by this act of sections 5743.01, and 5743.63, division (A) of sections 5743.51, and division (A) of section 5743.62 of the Revised Code applies to invoices dated on or

after October 1, 2025.

(C) The amendment by this act of section 5743.05 of the Revised Code applies to cigarette tax stamps sold on and after the effective date of that amendment.

Section 801.90. The amendment by this act of division (B) of section 5747.43 of the Revised Code applies to taxable years beginning on or after January 1, 2026.

Section 801.100. The amendment by this act of sections 5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 5748.081, and 5748.09 of the Revised Code involving eliminating school district income taxes on estates applies to any school district income tax, as defined in section 5748.01 of the Revised Code, in effect, levied, or renewed on or after January 1, 2026. The amendments do not invalidate or modify any portions of a properly enacted tax in effect on that date, other than those applicable to estates. For any school district income tax in effect on that date, the school district is not required to adopt a new resolution or obtain voter approval for the tax in order to effectuate those amendments.

Section 801.110. The amendment by this act of divisions (A) and (E) of section 3734.904 of the Revised Code applies on and after January 1, 2026.

Section 801.120. The amendment by this act of sections 718.031, 3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 3770.10, 3770.25, 3775.16, 5747.062, 5747.063, and 5747.064 of the Revised Code and the enactment by this act of sections 3770.074 and 3770.075 of the Revised Code apply to amounts deducted and withheld on or after January 1, 2026.

Section 801.130. The amendment by this act of section

5747.071 of the Revised Code applies to withholding requests made under that section on or after January 1, 2026.

Section 801.140. The amendment by this act of sections 5743.52 and 5743.62 of the Revised Code applies to returns required to be filed under those sections on or after January 1, 2026.

Section 801.150. The enactment by this act of section 5747.073 of the Revised Code applies to income tax withholding returns, reports, or payments filed or remitted on or after January 1, 2026.

Section 801.160. The amendment by this act of section 5739.07 of the Revised Code applies to refunds made pursuant to applications that are filed on or after the effective date of this section.

Section 805.10. SEVERABILITY

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 810.10. NO EFFECT AFTER END OF BIENNIUM

An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2027, unless its context clearly indicates otherwise.

Section 820.10. Sections of this act prefixed with numbers

in the 200s, 300s, 400s, and 500s of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

Section 820.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 3302.03, 3706.46, 3780.02, 3780.03, 3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.25, 3780.26, 3780.30, 5119.211, 5124.15, 5709.93, 5743.01, 5743.02, 5743.025, 5743.32, 5743.51, 5743.62, 5743.63, 5751.02, 5753.021, and 5753.031 of the Revised Code and Section 701.10 of this act.

Section 820.30. SUBJECT TO REFERENDUM

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

Section 820.40. The enactment by this act of sections 3793.01, 3793.02, 3793.03, 3793.04, 3793.05, 3793.06, 3793.20, 3793.21, 3793.22, 3793.23, 3793.24, 3793.25, 3793.30, 3793.40, 3793.41, 3793.42, 3793.43, 3793.44, 3793.45, 3793.46, 3793.47, and 3793.90 of the Revised Code take effect July 1, 2026.

Section 820.50. Sections 3301.221, 3313.60, 3313.6611, 3314.0311, 3314.0312, 3319.073, 3326.092, and 3326.093 of the Revised Code as amended or enacted by this act take effect on

July 1, 2026.

Section 820.60. Sections 3312.01, 3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3312.07, 3312.08, 3312.09, 3312.10, and 3312.13 of the Revised Code as amended, enacted, reenacted, and repealed by this act take effect on July 1, 2026.

Section 820.70. Sections 1546.01, 1547.531, and 1547.54 of the Revised Code, as amended by this act, take effect January 1, 2027.

Section 820.80. Sections 4503.511, 4505.09, 4507.41, and 4519.59 of the Revised Code as amended or enacted by this act take effect on January 1, 2026.

Section 830.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 123.28 of the Revised Code as amended by both H.B. 64 and H.B. 141 of the 131st General Assembly.

Section 124.385 of the Revised Code as amended by both H.B. 1 and H.B. 16 of the 128th General Assembly.

Section 149.43 of the Revised Code as amended by H.B. 265, H.B. 315, S.B. 29, and S.B. 109, all of the 135th General Assembly.

Section 173.38 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.

Section 173.381 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.

Section 921.26 of the Revised Code as amended by both H.B. 507 and S.B. 131 of the 134th General Assembly.

Section 1533.71 of the Revised Code as amended by both H.B. 389 and S.B. 310 of the 129th General Assembly.

Section 3302.03 of the Revised Code as amended by both S.B. 104 and S.B. 168 of the 135th General Assembly.

Section 3314.03 of the Revised Code as amended by H.B. 8, H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.

Section 3326.11 of the Revised Code as amended by H.B. 8, H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.

Section 3328.24 of the Revised Code as amended by both H.B. 47 and H.B. 214 of the 135th General Assembly.

Section 4141.29 of the Revised Code as amended by both H.B. 49 and H.B. 158 of the 132nd General Assembly.

Section 4510.17 of the Revised Code as amended by both H.B. 29 and H.B. 37 of the 135th General Assembly.

Section 4751.20 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.

Section 4758.46 of the Revised Code as amended by both H.B. 113 and H.B. 230 of the 131st General Assembly.

Section 5101.35 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.

Section 5117.07 of the Revised Code as amended by both

H.B. 283 and S.B. 3 of the 123rd General Assembly.

Section 5122.03 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.

Section 5122.15 of the Revised Code as amended by both H.B. 7 and H.B. 281 of the 134th General Assembly.

Section 5123.169 of the Revised Code as amended by H.B. 263 of the 133rd General Assembly and S.B. 3 of the 134th General Assembly.

Section 5123.41 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.

Section 5123.42 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.

Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.

Section 5739.99 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.

Section 5747.01 of the Revised Code as amended by both H.B. 101 and S.B. 154 of the 135th General Assembly.

Section 6111.04 of the Revised Code as amended by both H.B. 49 and S.B. 2 of the 132nd General Assembly.