

_____ moved to amend as follows:

Engross the bill as directed by the commands in the amendments attached hereto, ignoring matter extraneous to those commands

INDEX

The following amendments are attached hereto:

Amendment No.	Subject
SC3824-2	Oil and Gas Land Management Commission changes
SC3825	Drug overdose fatality review committees; Suicide fatality review committees
SC3828	Transfer of residential facility license
SC3833-6	Supplemental Nutrition Assistance Program eligibility; ODJFS data matching agreements; Public assistance private sector tools; Medicaid eligibility; Post-COVID Medicaid redetermination; New hire data check; Third-party commercial consumer reporting agency; Department of Job and Family Services; Public Assistance Benefits Accountability Task Force

SC4559 Omnibus

Amendment No.	Subject
SC3837	Opportunities for Ohioans with Disabilities
SC3840-1	EEG combined transcranial magnetic stimulation
SC3841	Protection and advocacy system and client assistance program transparency
SC3843-1	ACE Educational Savings Accounts; Department of Education
SC3846	Agreements between counties and animal shelters
SC3849	Meat processing plant grants; Department of Development
SC3854	DD-administered Medicaid waivers
SC3861	ADAMHS board composition and membership
SC3871	Oil and gas well leak responsibility; plugging orders
SC3873	Income tax: 529 plan deduction expansion
SC3875	Department of Rehabilitation and Correction
SC3876	Department of Higher Education

SC4559 Omnibus

Amendment No.	Subject
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SC3879-1	Doris Duke Woods
SC3884	Ohio Revised Limited Liability Company Act effective date
SC3886-3	Attorney General
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SC3895-1	LSC Corrective amendment; Department of Education; Department of Development; Department of Higher Education
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SC3900-1	Department of Higher Education
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SC3907	Expedited licensing inspections; Home health licensure
SC3908-1	Ohio History Connection
SC3909	Medical practitioner conscience clause

SC4559 Omnibus

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SC3951	Department of Public Safety

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SC3958	Online learning; Blended learning - school year hour requirement; Definitions - blended and online learning; Information on academic standards and model curricula
SC3961	Auxiliary Services Reimbursement Fund
SC3965	Vax-A-Million database not a public record
SC3968-1	Community School Credit Enhancement Program
SC3969	Reinstate CAT exclusion for beauty product supply chain receipts
SC3973	Postpartum cardiomyopathy awareness
SC3975	Ohio opportunity zone investment tax credit
SC3977	Film and theater tax credit: production contractors
SC3982	City health districts - accreditation
SC3985	Transformational mixed use development (TMUD) tax credit

SC4559 Omnibus

Amendment No.	Subject
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SC3987	Property tax abatement for charitable use property
SC3991	Department of Job and Family Services
SC3995	Department of Medicaid
SC3997	Municipal fiscal officer continuing education
SC3999	Department of Transportation
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SC4006	Broadband Expansion Program Authority stipends
SC4012	Department of Development
SC4013	Streamlining County Level-Information Access Task Force membership
SC4020	Department of Higher Education
SC4024	Exempt property: notice of taxable use

SC4559 Omnibus

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SC4037	Department of Education
SC4041	Venereal disease instruction
SC4042-4	Additional eligibility for EdChoice scholarships for the 2021-2022 school year
SC4044	Rural business growth program
SC4046	Sale of school district property - effective date
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SC4099-1	Academic distress commissions
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SC4559 Omnibus

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SC4354	Department of Medicaid; Adult day care service provider payment rates - PASSPORT and Assisted Living
SC4394-2	Tax reimbursements for DNR land
SC4399	Perpetual easement at 60 E. Broad St.
SC4402-1	Remove certain computer science education provisions; Computer science education - state plan

SC4559 Omnibus

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SC4407-1	Department of Mental Health and Addiction Services
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SC4427	Attorney General
SC4429	High performing sponsors opening e-schools
SC4431	Department of Mental Health and Addiction Services
SC4435	Land conveyance
SC4438-1	Attorney General
SC4439-1	Public Defender Commission
SC4441	Tax year 2020 special assessments refund
SC4445-1	Elimination of public record exemption
SC4450	Attorney General

SC4559 Omnibus

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SC4455	Attorney's fees and costs in inverse condemnation proceedings
SC4462-1	Tax credit for donations to scholarship organizations
SC4463	Department of Education
SC4466	Challenged school districts
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SC4492	Value-based purchasing supplemental rebate
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SC4559 Omnibus

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SC4503	Court settlements that nullify, suspend, or conflict with the Revised Code; General Assembly intervention in lawsuits
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SC4559 Omnibus

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SC4548	Nursing facility quality improvement payments; Nursing facility rebasing; Nursing facility payment commission
SC4549	Cap relief payment; Department of Education
SC4550-1	Ed Choice eligibility

SC4559 Omnibus

Amendment No.	Subject
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SC4552-1	Department of Higher Education
SC4553	In-state tuition for graduate students
SC4554	Department of Higher Education
SC4555	Medicaid managed care organization procurement
SC4557	Department of Job and Family Services
SC4558-1	Department of Medicaid
SC4560	Capitol Square Review and Advisory Board
SC4562	Minimum state share opportunity grant supplement

1 The motion was _____ agreed to.

Sub. H.B. 110
L-134-0001-5
Compare Doc No. DNRCD36

_____ moved to amend as follows:

In line 14 of the title, after "131.025," insert "131.50," 1

In line 154 of the title, delete "131.50," 2

In line 223, after "131.025," insert "131.50," 3

After line 8108, insert: 4

"**Sec. 131.50.** (A) There is hereby created in the state 5
treasury the state land royalty fund consisting of money credited 6
to it under section ~~1509.73~~ 155.33 of the Revised Code. Any 7
investment proceeds earned on money in the fund shall be credited 8
to the fund ~~and used as required in division (B) or (C) of this~~ 9
~~section.~~ 10

(B) ~~Except as provided in division (C) of this section, money~~ 11
~~in the state land royalty fund shall be used by state agencies to~~ 12
~~acquire land and to pay capital costs of state agencies, including~~ 13
~~equipment and renovations and repairs of facilities, that have~~ 14
~~contributed to the fund under section 1509.73 of the Revised Code.~~ 15
~~Such a~~ (1) A state agency is entitled to receive from the fund the 16
amount that the state agency contributed and a share of the 17
investment earnings of the fund in an amount that is equivalent to 18
the proportionate share of contributions made by the state agency 19

to the fund. Regarding the department of natural resources, each 20
division within the department is entitled to receive from the 21
department's proportionate share all amounts received by the 22
department that are attributable to the state-owned land 23
controlled by that division. 24

(2) The treasurer of state, in consultation with the director 25
of budget and management, shall disburse money from the state land 26
royalty fund to the appropriate fund designated by the state 27
agency not later than thirty days after the deposit of any money 28
into the state land royalty fund. If the state agency is the 29
department of natural resources, the treasurer of state, in 30
consultation with the director of budget and management and the 31
director of natural resources, shall disburse the money to the 32
appropriate fund designated by the applicable division within the 33
department. 34

(3) A state agency or, as applicable, a division of the 35
department of natural resources, may use the money for any costs 36
and expenses the agency determines are necessary. 37

~~(C) Money in the fund that is allocated to a state college or~~ 38
~~university may be used to pay for operating expenses associated~~ 39
~~with any property that is owned by the college or university and~~ 40
~~that is at least partially used for the exploration, development,~~ 41
~~and production of oil or gas if both of the following apply:~~ 42

~~(1) The state college or university is engaged in research at~~ 43
~~the property or in education or outreach regarding the property.~~ 44

~~(2) The research, education, or outreach is associated with~~ 45
~~furthering the public understanding of how oil and gas~~ 46
~~exploration, development, or production potentially benefits the~~ 47
~~public and impacts the use of the state's natural resources.~~ 48

~~(D) As used in this section, "state agency" has the same~~ 49

meaning as in section 1509.70 <u>155.30</u> of the Revised Code."	50
In line 10107, reinsert the stricken colon	51
In line 10108, reinsert "(A)"	52
In line 10131, reinsert everything after " (E) "	53
Reinsert lines 10132 to 10136	54
In line 10140, reinsert "to the"	55
Reinsert line 10141	56
After line 10141, insert:	57
" <u>(B) "Gross landowner royalty" means a royalty based on the</u>	58
<u>proceeds received on the sale of production of oil or gas without</u>	59
<u>deduction for post-production costs, but less a proportionate</u>	60
<u>share of any and all taxes and government fees levied on or as a</u>	61
<u>result of the production.</u>	62
<u>(C) "Post-production costs" means all costs and expenses</u>	63
<u>incurred between the wellhead and the point of sale, including,</u>	64
<u>without limitation, the costs of any treating, separating,</u>	65
<u>dehydrating, processing, storing, gathering, transporting,</u>	66
<u>compressing, and marketing."</u>	67
In line 10142, delete the underlined comma; insert " <u>(D)</u> ";	68
reinsert "State"; delete " <u>state</u> "	69
In line 10143, reinsert "(1)"; delete " <u>(A)</u> "	70
In line 10145, reinsert "(2)"; delete " <u>(B)</u> "	71
In line 10226, after the first "the" insert " <u>formation within</u>	72
<u>a</u> "	73
In line 10228, reinsert "The"	74
In line 10229, reinsert "commission"	75
In line 10230, insert " <u>also shall notify the state agency</u>	76

that owns or controls the parcel of land for which a nomination 77
was received identifying the parcel of land that is the subject of 78
the nomination and including a statement that the state agency may 79
submit comments to the commission concerning the nomination" 80

In line 10234, reinsert "may lease a" 81

In line 10235, reinsert "formation within" and delete the 82
balance of the line 83

Delete line 10236 84

In line 10237, delete "industry," 85

In line 10239, reinsert "The" 86

In line 10241, after "~~royalty~~" insert "lease shall be on 87
terms that are just and reasonable, as determined by custom and 88
practice in the oil and gas industry, and shall include at least 89
the terms required under division (A)(1)(a) to (e) of section 90
155.34 of the Revised Code"; reinsert the stricken period 91

In line 10242, reinsert "a" 92

In line 10243, reinsert "formation within" 93

In line 10251, reinsert "formation within a" 94

In line 10254, strike through "identifies" 95

In line 10255, strike through "the parcel of land"; delete 96
"for lease"; strike through the balance of the line 97

Strike through line 10256 98

In line 10257, strike through "adopted under section"; delete 99
"155.34"; strike through "of the Revised Code and" 100

In line 10258, strike through "with the nomination" 101

In line 10259, strike through "The information required by"; 102
delete "that section" and insert "The name of the person making 103

<u>the nomination and the person's address, telephone number, and</u>	104
<u>email address"</u>	105
In line 10260, strike through "The nomination fee	106
established"; delete " <u>under that</u> "	107
In line 10261, delete " <u>section;</u> " and insert " <u>An</u>	108
<u>identification of the formation and parcel of land proposed to be</u>	109
<u>leased that specifies all of the following:</u>	110
<u>(i) The percentage of the interest owned or controlled by the</u>	111
<u>state agency, and whether that interest is divided, undivided, or</u>	112
<u>partial;</u>	113
<u>(ii) The source deed by book and page numbers, including the</u>	114
<u>description and acreage of the parcel and an identification of the</u>	115
<u>county, section, township, and range in which the parcel is</u>	116
<u>located;</u>	117
<u>(iii) A plat map depicting the area in which the parcel is</u>	118
<u>located."</u>	119
In line 10262, delete everything after " <u>(c)</u> "	120
Delete lines 10263 and 10264	121
In line 10265, delete everything before the period and insert	122
<u>"If the person making the nomination is not a state agency, a</u>	123
<u>nomination fee of one hundred fifty dollars;</u>	124
<u>(d) The proposed lease bonus that applies to the nomination;</u>	125
<u>(e) If the person making the nomination is not a state</u>	126
<u>agency, proof of both of the following:</u>	127
<u>(i) That the person has obtained the insurance and financial</u>	128
<u>assurance required under section 1509.07 of the Revised Code;</u>	129
<u>(ii) That the person has registered with and obtained an</u>	130
<u>identification number from the division of oil and gas resources</u>	131

<u>management under section 1509.31 of the Revised Code"</u>	132
After line 10265, insert:	133
<u>"(3) In order to encourage the submission of nominations and</u>	134
<u>the responsible and reasonable development of the state's natural</u>	135
<u>resources, only the information submitted under division (A)(2)(b)</u>	136
<u>of this section may be disclosed to the public until a person is</u>	137
<u>selected under division (F) of this section. Until a person is</u>	138
<u>selected under division (F) of this section, all other information</u>	139
<u>submitted under division (A)(2) of this section is confidential,</u>	140
<u>shall not be disclosed by the commission, and is not a public</u>	141
<u>record subject to inspection or copying under section 149.43 of</u>	142
<u>the Revised Code.</u>	143
<u>(4) When a nomination is not submitted by a state agency, the</u>	144
<u>nomination is the opening bid for purposes of division (D) of this</u>	145
<u>section. However, the person submitting the nomination may</u>	146
<u>supplement or amend that bid by providing additional information</u>	147
<u>in accordance with that division."</u>	148
In line 10266, reinsert "one"	149
In line 10267, reinsert "hundred twenty"; delete " <u>ninety</u> "	150
In line 10268, strike through "of a parcel of land"	151
In line 10270, reinsert "formation within the"	152
In line 10290, strike through "of the parcel of land"	153
In line 10294, reinsert "of a formation"	154
In line 10300, reinsert "of a formation"	155
In line 10303, reinsert "of a formation"	156
In line 10309, reinsert "formation within a"	157
In line 10313, after the third "the" insert " <u>parcel of</u> "	158

In line 10329, strike everything after "(3)"	159
Strike through lines 10330 to 10332	160
In line 10333, delete " <u>(3)</u> "	161
In line 10335, strike through "Notice of the decision of the"	162
In line 10336, before "commission" insert " <u>The</u> "; strike	163
through "be sent"; insert " <u>post notice of the commission's</u>	164
<u>decision on the commission's web site and send notice of the</u>	165
<u>decision by email and</u> "	166
In line 10337, after "nomination" insert " <u>and to the state</u>	167
<u>agency that owns or controls the formation within the parcel of</u>	168
<u>land that is the subject of the nomination</u> "	169
In line 10358, reinsert "a formation within"	170
In line 10370, strike through everything after "(1)"	171
In line 10371, strike through "lease for"; delete " <u>the</u> ";	172
strike through "parcel of land" and insert " <u>An identification of</u>	173
<u>each formation and parcel of land proposed to be leased that</u>	174
<u>includes all of the information specified in division (A)(2)(b) of</u>	175
<u>this section</u> "	176
In line 10372, after "(2)" insert " <u>The deadline for the</u>	177
<u>submission of bids;</u>	178
<u>(3) A statement that each bid must contain all of the items</u>	179
<u>required under division (D) of this section;</u>	180
<u>(4)</u> "	181
In line 10373, after "industries" insert " <u>and adopted by rule</u>	182
<u>by the commission</u> "	183
In line 10374, reinsert "a formation within"	184
Strike through line 10375	185

In line 10376, strike through "the lease of"; strike through	186
"the parcel of land;"	187
In line 10377, strike through "(4)" and insert " <u>(5)</u> "	188
In line 10380, strike through "(5)" and insert " <u>(6)</u> "	189
In line 10382, strike through "(6)" and insert " <u>(7)</u> "	190
In line 10384, strike through everything after "person"	191
Strike through line 10385	192
In line 10386, strike through "under section"; delete	193
" <u>155.34</u> "; strike through "of the Revised Code" and insert	194
<u>"interested in leasing a formation within a parcel of land owned</u>	195
<u>or controlled by a state agency for the exploration for and</u>	196
<u>development and production of oil or natural gas may submit a bid</u>	197
<u>to the commission on a parcel by parcel basis that contains all of</u>	198
<u>the following:</u>	199
<u>(1) A bid fee of twenty-five dollars;</u>	200
<u>(2) The name of the person making the bid and the person's</u>	201
<u>address, telephone number, and email address;</u>	202
<u>(3) An identification of the formation and parcel of land for</u>	203
<u>which the bid is being submitted, including all of the information</u>	204
<u>specified in division (A)(2)(b) of this section;</u>	205
<u>(4) The proposed lease bonus that applies to the bid;</u>	206
<u>(5) Proof of both of the following:</u>	207
<u>(a) That the person has obtained the insurance and financial</u>	208
<u>assurance required under section 1509.07 of the Revised Code;</u>	209
<u>(b) That the person has registered with and obtained an</u>	210
<u>identification number from the division of oil and gas resources</u>	211
<u>management under section 1509.31 of the Revised Code.</u>	212

<u>(6) Any other information that the person believes is</u>	213
<u>relevant to the bid"</u>	214
In line 10390, strike through "shall be"; insert " <u>is</u> "; after	215
"confidential" insert " <u>, shall not be disclosed by the</u>	216
<u>commission,</u> "; strike through "shall"	217
In line 10391, strike through "not be disclosed before" and	218
insert " <u>is not a public record subject to inspection and copying</u>	219
<u>under section 149.43 of the Revised Code until"</u>	220
In line 10392, strike through "unless the commission	221
determines otherwise"	222
In line 10393, strike through everything after "(F)"	223
Strike through line 10394	224
In line 10395, strike through "land and shall"	225
In line 10396, strike through everything after " shall "	226
In line 10397, strike through "each lease on the"; delete	227
" <u>commission's</u> " and strike the balance of the line	228
Strike through lines 10398 and 10399	229
In line 10400, strike through "section"; delete " <u>155.34</u> ";	230
strike through "of the Revised Code."	231
In line 10410, reinsert "(1)"	232
In line 10412, reinsert "signing fees, rentals, and royalty"	233
In line 10414, reinsert "state land"	234
Reinsert line 10415	235
In line 10416, reinsert "(2)"	236
In line 10431, reinsert everything after " (H) "	237
In line 10432, reinsert everything before "oil"	238

In line 10441, strike through "two"; insert " <u>one</u> "; strike	239
through "seventy"; insert " <u>twenty</u> "	240
In line 10444, strike through "all" and insert " <u>both</u> "	241
In line 10446, strike everything after " <u>(1)</u> "	242
In line 10447, strike through "nominations that are submitted	243
under section"; delete " <u>155.33</u> "; strike through "of the"	244
Strike through line 10448	245
In line 10449, delete " <u>(2)</u> " and strike through the balance of	246
the line	247
Strike through lines 10450 to 10458	248
In line 10462, delete " <u>(3)</u> " and strike through the balance of	249
the line	250
In line 10463, strike through "for a lease under section";	251
delete " <u>155.33</u> "; strike through the balance of the line	252
In line 10464, delete " <u>(4)</u> " and strike through the balance of	253
the line	254
In line 10465 strike through everything before " 1509.73 "	255
In line 10466, delete " <u>155.33</u> " and strike through the balance	256
of the line	257
In line 10467, delete " <u>(5)</u> "	258
In line 10472, delete " <u>without the execution</u> "	259
In line 10473, delete " <u>by</u> "; insert " <u>unless</u> "; delete " <u>of a</u>	260
<u>standard</u> " and insert " <u>, in its sole discretion, chooses to</u>	261
<u>negotiate and execute a written</u> "	262
In line 10475, delete " <u>At</u> "; strike through "least a"; insert	263
" <u>A</u> "; after "one-eighth" insert " <u>gross</u> "	264

In line 10478, delete everything after " <u>(c)</u> "	265
In line 10479, delete " <u>lessee</u> " and insert " <u>A primary term of three years;</u> "	266 267
<u>(d) An option for the lessee to extend the primary term of the lease for an additional three years by tendering to the state agency the same bonus paid when first entering into the lease"</u>	268 269 270
In line 10480, delete everything after " (c) "	271
Delete lines 10481 to 10482	272
In line 10483, delete " <u>(7)</u> " and insert " <u>(2)</u> "; strike through "and requirements that the commission"	273 274
In line 10484, strike through "determines"	275
In line 10486, after " <u>(B)</u> " insert " <u>Not later than one hundred and twenty days after the effective date of this amendment, the commission shall establish a standard surface use agreement that a state agency shall use to authorize the use of the surface of a leased parcel of land.</u> "	276 277 278 279 280
<u>(C)</u> "	281
In line 10491, reinsert "the proceeds of nomination fees"	282
In line 10492, reinsert "and bid fees"; delete " <u>all money</u> "	283
In line 10494, strike through "and the department of"	284
In line 10495, strike through "natural resources"	285
In line 10496, strike through "and the department"	286
In line 70837, after "131.025," insert "131.50,"	287
In line 70917, delete "131.50,"	288

The motion was _____ agreed to.

SYNOPSIS

Oil and Gas Land Management Commission changes	289
R.C. 1509.70 (155.30), 1509.71 (155.31), 1509.72 (155.32),	290
1509.73 (155.33), 1509.74 (155.34), 1509.75 (155.35), and 131.50	291
Prior to the adoption of rules by the Oil and Land Management	292
Commission, authorizes (rather than requires, as in the bill) a	293
state agency to enter into oil and gas leases.	294
Requires the Commission to adopt rules governing a standard	295
lease form and to establish a standard surface use agreement,	296
within 120 days of the bill's effective date.	297
Revises requirements governing the standard lease form that	298
state agencies must use by allowing a state agency to execute a	299
written surface use agreement, replacing a required 1/8th	300
landowner royalty with a required gross 1/8th landowner royalty,	301
and requiring a primary lease term of three years with a possible	302
three-year extension.	303
Specifies that a gross land owner royalty is the proceeds of	304
oil and gas sales (without any post-production cost reduction)	305
minus taxes and government fees.	306
Restores references to a lease of a formation within a parcel	307
of land (rather than a parcel of land, as in the bill) and defines	308
the parameters of what constitutes a formation.	309
Revises procedures by which a formation within a parcel of	310
state agency land may be nominated.	311
Requires the nomination to include the identity of the	312
nominating person and the nominated formation and parcel, a	313
nomination fee of \$150, the proposed lease bonus, and (if the	314
nominating entity is not a state agency) information concerning	315

state registration and insurance and bonding requirements.	316
Exempts all nomination information from public record requirements, except the identity of the formation, until a bid for the nomination is accepted by the Commission.	317 318 319
Requires the Commission to notify a state agency of a nomination of a formation under that agency's control and allows the agency to submit comments regarding the nomination.	320 321 322
Requires the Commission to post notice of its decision on its web site and send it by email (along with certified mail as in current law) to the nominating person and the state agency.	323 324 325
Alters the requirements governing the advertisement of bids for a nominated formation by requiring the Commission to include an identification of the formation, a bid deadline, and a statement that each bid must contain certain standard lease agreement provisions.	326 327 328 329 330
Authorizes any person to bid on the nomination by submitting a \$25 bid fee; information identifying the bidder, formation and parcel, and proposed lease bonus; and proof of registration and insurance and bonding.	331 332 333 334
States that the bid is not a public record until acceptance by the Commission.	335 336
Restores the current State Land Royalty Fund consisting of money received by all state agencies from signing fees, rentals, and royalties for leases, while retaining a current requirement that at least 30% of lease proceeds from a formation under a state park be credited to the fund that supports the state park.	337 338 339 340 341
Specifies that state agencies may use Fund money for any purpose (rather than for capital expenditures as in current law).	342 343

Establishes procedures for distribution of Fund money to	344
state agencies and special procedures for distribution to	345
individual divisions within ODNR.	346
Accordingly, retains the bill's elimination of ODNR-specific	347
funds.	348
Specifies that all nomination and bid fees must be deposited	349
into the Oil and Gas Land Management Commission Administration	350
Fund, to be used for the administrative purposes of the	351
Commission.	352

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

- In line 35 of the title, after "2151.416," insert "2151.421," 1
- In line 38 of the title, after "4713.02," insert "4729.80,
4729.86, "; after "4730.43," insert "4731.22," 2
3
- In line 133 of the title, after "173.012," insert "307.631,
307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638,
307.639, 307.641, 307.642, 307.643, 307.644, 307.645, 307.646,
307.647, 307.648, 307.649, 307.6410," 4
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6
7
- In line 146 of the title, after "3375.011," insert 8
"3701.0410, 3701.0411," 9
- In line 238, after "2151.416," insert "2151.421," 10
- In line 277, after "4713.02," insert "4729.80, 4729.86, "; 11
after "4730.43," insert "4731.22," 12
- In line 310, after "173.012," insert "307.631, 307.632,
307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639,
307.641, 307.642, 307.643, 307.644, 307.645, 307.646, 307.647,
307.648, 307.649, 307.6410," 13
14
15
16
- In line 320, after "3375.011," insert "3701.0410, 3701.0411," 17
- In line 3359, after "Code" insert "*i*" 18
- (18) Meetings of a drug overdose fatality review committee 19
described in section 307.631 of the Revised Code; 20

(19) Meetings of a suicide fatality review committee 21
described in section 307.641 of the Revised Code" 22

After line 11681, insert: 23

"Sec. 307.631. (A) A board of county commissioners may 24
appoint a health commissioner of the board of health of a city or 25
general health district that is entirely or partially located in 26
the county in which the board of county commissioners is located 27
to establish a drug overdose fatality review committee to review 28
drug overdose deaths and opioid-involved deaths occurring in the 29
county. 30

(B) The boards of county commissioners of two or more 31
counties may, by adopting a joint resolution passed by a majority 32
of the members of each participating board of county 33
commissioners, create a regional drug overdose fatality review 34
committee to review drug overdose deaths and opioid-involved 35
deaths occurring in participating counties. The joint resolution 36
shall appoint, for each county participating as part of the 37
regional review committee, one health commissioner from a board of 38
health of a city or general health district located at least in 39
part in each county. The health commissioners appointed shall 40
select one of their number as the health commissioner to establish 41
the regional review committee. 42

(C) In any county that, on the effective date of this 43
section, has a body that is acting as a drug overdose fatality 44
review committee and is comprised of the members described in 45
divisions (A)(1) and (B)(1) of section 307.632 of the Revised 46
Code, including a public health official or designee, that body 47
shall continue to function as the drug overdose fatality review 48
committee for the county. The body shall have the same duties, 49

obligations, and protections as a drug overdose fatality review 50
committee appointed by a health commissioner. 51

Sec. 307.632. (A)(1) If a health commissioner establishes a 52
drug overdose fatality review committee as described in division 53
(A) of section 307.631 of the Revised Code, the commissioner shall 54
select four members to serve on the review committee along with 55
the commissioner. The review committee shall consist of the 56
following: 57

(a) The chief of police of a police department in the county 58
or the county sheriff or a designee of the chief or sheriff; 59

(b) A public health official or the official's designee; 60

(c) The executive director of the board of alcohol, drug 61
addiction, and mental health services for the county or the 62
executive director's designee; 63

(d) A physician who is authorized under Chapter 4731. of the 64
Revised Code to practice medicine and surgery or osteopathic 65
medicine and surgery. 66

(2) If a health commissioner establishes a drug overdose 67
fatality review committee as described in division (B) of section 68
307.631 of the Revised Code, the commissioner shall select four 69
members to serve on the review committee along with the 70
commissioner. The review committee shall consist of the following: 71

(a) The chief of police of a police department or a sheriff 72
or a designee of the chief or sheriff; 73

(b) A public health official or the official's designee; 74

(c) The executive director of a board of alcohol, drug 75
addiction, and mental health services or the executive director's 76
designee; 77

(d) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 78
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The members described in divisions (A)(2)(a) to (c) of this section shall be representatives from the most populous county served by the committee. 81
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(B)(1) The review committee shall invite the county coroner or, in the case of a regional review committee, the county coroner from the most populous county, to serve on the committee. The review committee shall extend the invitation each time a county coroner assumes the office. The coroner shall not be required to accept the invitation. If the coroner accepts the invitation, the coroner shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 84
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(2) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members shall serve for a period of time determined by a majority of the members described in division (A) of this section. Each additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 93
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(C) A vacancy in a drug overdose review committee shall be filled in the same manner as the original appointment. If the health commissioner who made the original appointment as described in division (A) of this section is no longer serving in that capacity, a successor of the commissioner shall fill the vacancy. 100
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(D) A drug overdose fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on 105
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the committee unless compensation for, or payment for expenses 108
incurred pursuant to, those duties is received pursuant to a 109
member's regular employment. 110

Sec. 307.633. If a drug overdose fatality review committee is 111
established under division (A) or (B) of section 307.631 of the 112
Revised Code, the board of county commissioners, or if a regional 113
drug overdose fatality review committee is established, the group 114
of health commissioners appointed to select the health 115
commissioner to establish the regional review committee, shall 116
designate either the health commissioner that establishes the 117
review committee or a representative of the health commissioner to 118
convene meetings and be the chairperson of the review committee. 119

Sec. 307.634. The purpose of a drug overdose fatality review 120
committee is to decrease the incidence of preventable overdose 121
deaths by doing all of the following: 122

(A) Promoting cooperation, collaboration, and communication 123
between all groups, professions, agencies, or entities engaged in 124
drug abuse prevention, education, or treatment efforts; 125

(B) Maintaining a comprehensive database of all overdose 126
deaths that occur in the county or region served by the review 127
committee in order to develop an understanding of the causes and 128
incidence of those deaths; 129

(C) Recommending and developing plans for implementing local 130
service and program changes and changes to the groups, 131
professions, agencies, or entities that serve local residents that 132
might prevent overdose deaths; 133

(D) Providing the department of health with aggregate data, 134
trends, and patterns concerning overdose deaths. 135

Sec. 307.635. A drug overdose fatality review committee may 136
not conduct a review of a death while an investigation of the 137
death or prosecution of a person for causing the death is pending 138
unless the prosecuting attorney agrees to allow the review. The 139
law enforcement agency conducting the criminal investigation, on 140
the conclusion of the investigation, and the prosecuting attorney 141
prosecuting the case, on the conclusion of the prosecution, shall 142
notify the chairperson of the review committee of the conclusion. 143

Sec. 307.636. (A) A drug overdose fatality review committee 144
shall establish a system for collecting and maintaining 145
information necessary for the review of drug overdose or 146
opioid-involved deaths in the county or region. In an effort to 147
ensure confidentiality, each committee shall do all of the 148
following: 149

(1) Maintain all records in a secure location; 150

(2) Develop security measures to prevent unauthorized access 151
to records containing information that could reasonably identify 152
any person; 153

(3) Develop a system for storing, processing, indexing, 154
retrieving, and destroying information obtained in the course of 155
reviewing a drug overdose or opioid-involved death. 156

(B) For each drug overdose or opioid-involved death reviewed 157
by a committee, the committee shall collect all of the following: 158

(1) Demographic information of the deceased, including age, 159
sex, race, and ethnicity; 160

(2) The year in which the death occurred; 161

(3) The geographic location of the death; 162

<u>(4) The cause of death;</u>	163
<u>(5) Any factors contributing to the death;</u>	164
<u>(6) Any other information the committee considers relevant.</u>	165
<u>(C) By the first day of April of each year, the person</u>	166
<u>convening a drug overdose fatality review committee shall prepare</u>	167
<u>and submit to the Ohio department of health in the manner and</u>	168
<u>format prescribed by the department a report that includes all of</u>	169
<u>the following information for the previous calendar year:</u>	170
<u>(1) The total number of drug overdose or opioid-involved</u>	171
<u>deaths in the county or region;</u>	172
<u>(2) The total number of drug overdose or opioid-involved</u>	173
<u>deaths reviewed by the committee;</u>	174
<u>(3) A summary of demographic information for the deaths</u>	175
<u>reviewed, including age, sex, race, and ethnicity;</u>	176
<u>(4) A summary of any trends or patterns identified by the</u>	177
<u>committee.</u>	178
<u>The report shall specify the number of drug overdose or</u>	179
<u>opioid-involved deaths that were not reviewed during the previous</u>	180
<u>calendar year.</u>	181
<u>The report shall include recommendations for actions that</u>	182
<u>might prevent other deaths, as well as any other information the</u>	183
<u>review board determines should be included.</u>	184
<u>(D) Reports prepared under division (C) of this section shall</u>	185
<u>be considered public records under section 149.43 of the Revised</u>	186
<u>Code.</u>	187
<u>Sec. 307.637. (A)(1) Notwithstanding section 3701.17 and any</u>	188
<u>other section of the Revised Code pertaining to confidentiality,</u>	189

any individual, law enforcement agency, or other public or private 190
entity that provided services to a person whose death is being 191
reviewed by a drug overdose fatality review committee, on the 192
request of the review committee, shall submit to the review 193
committee a summary sheet of information. 194

(a) With respect to a request made to a health care entity, 195
the summary sheet shall contain only information available and 196
reasonably drawn from the person's medical record created by the 197
health care entity. 198

(b) With respect to a request made to any other individual or 199
entity, the summary sheet shall contain only information available 200
and reasonably drawn from any record involving the person to which 201
the individual or entity has access. 202

(c) On the request of the review committee, an individual or 203
entity may, at the individual or entity's discretion, make any 204
additional information, documents, or reports available to the 205
review committee. 206

(2) On the request of the review committee, a county coroner 207
shall make available to the review committee the coroner's full 208
and complete record as described in section 313.10 of the Revised 209
Code that relates to the person whose death is being reviewed by 210
the committee. 211

(B) Notwithstanding division (A) of this section, no person, 212
entity, law enforcement agency, or prosecuting attorney shall 213
provide any information regarding the death of a person to a drug 214
overdose fatality review committee while an investigation of the 215
death or prosecution of a person for causing the death is pending 216
unless the prosecuting attorney has agreed pursuant to section 217
307.635 of the Revised Code to allow review of the death. 218

Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

Sec. 307.639. Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.641. (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a suicide fatality review committee to review deaths by suicide occurring in the county.

(B) The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority

of the members of each participating board of county 247
commissioners, create a regional suicide fatality review committee 248
to serve all participating counties. The joint resolution shall 249
appoint, for each county participating as part of the regional 250
review committee, one health commissioner from a board of health 251
of a city or general health district located at least in part in 252
each county. The health commissioners appointed shall select one 253
of their number as the health commissioner to establish the 254
regional review committee. 255

(C) In any county that, on the effective date of this 256
section, has a body that is acting as a suicide fatality review 257
committee and is comprised of the members described in divisions 258
(A)(1) and (B)(1) of section 307.642 of the Revised Code, 259
including a public health official or designee, that body shall 260
continue to function as the suicide fatality review committee for 261
the county. The body shall have the same duties, obligations, and 262
protections as a suicide fatality review committee appointed by a 263
health commissioner. 264

Sec. 307.642. (A)(1) If a health commissioner is appointed 265
under division (A) of section 307.641 of the Revised Code to 266
establish a suicide fatality review committee, the commissioner 267
shall select four members to serve on the review committee along 268
with the commissioner. The review committee shall consist of the 269
following: 270

(a) The chief of police of a police department in the county 271
or region or the county sheriff or a designee of the chief or 272
sheriff; 273

(b) A public health official or the official's designee; 274

(c) The executive director of a board of alcohol, drug 275

addiction, and mental health services or the executive director's 276
designee; 277

(d) A physician authorized under Chapter 4731. of the Revised 278
Code to practice medicine and surgery or osteopathic medicine and 279
surgery. 280

(2) If a health commissioner is appointed under division (B) 281
of section 307.641 of the Revised Code to establish a suicide 282
fatality review committee, the commissioner shall select four 283
members to serve on the review committee along with the 284
commissioner. The review committee shall consist of the following: 285

(a) The chief of police of a police department or sheriff or 286
a designee of the chief or sheriff; 287

(b) A public health official or the official's designee; 288

(c) The executive director of a board of alcohol, drug 289
addiction, and mental health services or the executive director's 290
designee; 291

(d) A physician authorized under Chapter 4731. of the Revised 292
Code to practice medicine and surgery or osteopathic medicine and 293
surgery. 294

The members described in divisions (A)(2)(a) to (c) of this 295
section shall be representatives from the most populous county 296
served by the committee. 297

(B)(1) The review committee shall invite the county coroner 298
or, in the case of a regional review committee, the county coroner 299
from the most populous county, to serve on the committee. The 300
review committee shall extend the invitation each time a county 301
coroner assumes the office. The coroner shall not be required to 302
accept the invitation. If the coroner accepts the invitation, the 303
coroner shall have the same authority, duties, and 304

responsibilities as members described in division (A) of this 305
section. 306

(2) The majority of the members of a review committee may 307
invite additional members to serve on the committee. The 308
additional members shall serve for a period of time determined by 309
a majority of the members described in division (A) of this 310
section. An additional member has the same authority, duties, and 311
responsibilities as members described in division (A) of this 312
section. 313

(C) A vacancy in a suicide fatality review committee shall be 314
filled in the same manner as the original appointment. 315

(D) A suicide fatality review committee member shall not 316
receive any compensation for, and shall not be paid for any 317
expenses incurred pursuant to, fulfilling the member's duties on 318
the committee unless compensation for, or payment for expenses 319
incurred pursuant to, those duties is received pursuant to a 320
member's regular employment. 321

Sec. 307.643. The purpose of a suicide fatality review 322
committee is to decrease the incidence of preventable suicide 323
deaths by doing all of the following: 324

(A) Promoting cooperation, collaboration, and communication 325
between all groups, professions, agencies, or entities engaged in 326
suicide prevention, education, or mental health treatment efforts; 327

(B) Maintaining a comprehensive database of all suicide 328
deaths that occur in the county or region served by the review 329
committee in order to develop an understanding of the causes and 330
incidence of those deaths; 331

(C) Recommending and developing plans for implementing local 332

service and program changes and changes to the groups, 333
professions, agencies, or entities that serve local residents that 334
might prevent suicide deaths; 335

(D) Advising the department of health of aggregate data, 336
trends, and patterns concerning suicide deaths. 337

Sec. 307.644. If a suicide fatality review committee is 338
established under division (A) or (B) of section 307.641 of the 339
Revised Code, the board of county commissioners, or if a regional 340
suicide fatality review committee is established, the group of 341
health commissioners appointed to select the health commissioner 342
to establish the regional review committee, shall designate either 343
the health commissioner that establishes the review committee or a 344
representative of the health commissioner to convene meetings and 345
be the chairperson of the review committee. If a regional review 346
committee includes a county with more than one health district, 347
the regional review committee meeting shall be convened in that 348
county. If more than one of the counties participating on the 349
regional review committee has more than one health district, the 350
person convening the meeting shall select one of the counties with 351
more than one health district as the county in which to convene 352
the meeting. 353

Sec. 307.645. A suicide fatality review committee may not 354
conduct a review of a death while an investigation of the death or 355
prosecution of a person for causing the death is pending unless 356
the prosecuting attorney agrees to allow the review. The law 357
enforcement agency conducting the criminal investigation, on the 358
conclusion of the investigation, and the prosecuting attorney 359
prosecuting the case, on the conclusion of the prosecution, shall 360
notify the chairperson of the review committee of the conclusion. 361

Sec. 307.646. (A) A suicide fatality review committee shall 362
establish a system for collecting and maintaining information 363
necessary for the review of suicide deaths in the county or 364
region. In an effort to ensure confidentiality, each committee 365
shall do all of the following: 366

(1) Maintain all records in a secure location; 367

(2) Develop security measures to prevent unauthorized access 368
to records containing information that could reasonably identify 369
any person; 370

(3) Develop a system for storing, processing, indexing, 371
retrieving, and destroying information obtained in the course of 372
reviewing a death resulting from suicide. 373

(B) For each death resulting from suicide reviewed by a 374
committee, the committee shall collect all of the following: 375

(1) Demographic information of the deceased, including age, 376
sex, race, and ethnicity; 377

(2) The year in which the death occurred; 378

(3) The geographic location of the death; 379

(4) The cause of death; 380

(5) Any factors contributing to the death; 381

(6) Any other information the committee considers relevant. 382

(C) By the first day of April of each year, the person 383
convening a suicide fatality review committee shall prepare and 384
submit to the Ohio department of health a report that summarizes 385
the following information about suicide deaths reviewed by the 386
committee in the previous calendar year: 387

(1) The cause of death; 388

<u>(2) Factors contributing to death;</u>	389
<u>(3) Age;</u>	390
<u>(4) Sex;</u>	391
<u>(5) Race;</u>	392
<u>(6) The geographic location of death;</u>	393
<u>(7) The year of death.</u>	394
<u>The report shall specify the number of suicide deaths that</u>	395
<u>were not reviewed during the previous calendar year.</u>	396
<u>The report may include recommendations for actions that might</u>	397
<u>prevent other suicide deaths, as well as any other information the</u>	398
<u>review committee determines should be included.</u>	399
<u>(D) Reports prepared under division (C) of this section are</u>	400
<u>public records under section 149.43 of the Revised Code.</u>	401
<u>Sec. 307.647. (A)(1) Notwithstanding section 3701.17 and any</u>	402
<u>other section of the Revised Code pertaining to confidentiality,</u>	403
<u>any individual, law enforcement agency, or other public or private</u>	404
<u>entity that provided services to a person whose death is being</u>	405
<u>reviewed by a suicide fatality review committee, on the request of</u>	406
<u>the review committee, shall submit to the review committee a</u>	407
<u>summary sheet of information.</u>	408
<u>(a) With respect to a request made to a health care entity,</u>	409
<u>the summary sheet shall contain only information available and</u>	410
<u>reasonably drawn from the person's medical record created by the</u>	411
<u>health care entity.</u>	412
<u>(b) With respect to a request made to any other individual or</u>	413
<u>entity, the summary sheet shall contain only information available</u>	414
<u>and reasonably drawn from any record involving the person that the</u>	415

individual or entity develops in the normal course of business.

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(c) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

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(2) For purposes of the review, the committee shall have access to confidential information provided to the committee under this section or division (I)(4) of section 2151.421 of the Revised Code, and each member of the committee shall preserve the confidentiality of that information.

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(3) On the request of the review committee, a county coroner shall make available to the review committee the coroner's full and complete record as described in section 313.10 of the Revised Code that relates to the person whose death is being reviewed by the committee.

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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a suicide fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.645 of the Revised Code to allow review of the death.

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Sec. 307.648. (A) An individual or public or private entity providing information, documents, or reports to a suicide fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

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(B) Each member of a review committee is immune from any

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civil liability for injury, death, or loss to person or property 445
that might otherwise be incurred or imposed as a result of the 446
member's participation on the review committee. 447

Sec. 307.649. Any information, document, or report presented 448
to a suicide fatality review committee, all statements made by 449
review committee members during meetings of the review committee, 450
all work products of the review committee, and data submitted by 451
the review committee to the department of health, other than the 452
report prepared pursuant to section 307.646 of the Revised Code, 453
are confidential and shall be used by the review committee, its 454
members, and the department of health only in the exercise of the 455
proper functions of the review committee and the department. 456

Sec. 307.6410. A board of county commissioners may appoint a 457
health commissioner of the board of health of a city or general 458
health district that is entirely or partially located in the 459
county in which the board of county commissioners is located to 460
establish a hybrid drug overdose fatality and suicide fatality 461
review committee to review drug overdose deaths, opioid-involved 462
deaths, and deaths by suicide occurring in the county. In such 463
case, the board and hybrid committee shall follow the procedures 464
described in sections 307.631 to 307.639 and 307.641 to 307.649 of 465
the Revised Code. Any reference to a drug overdose fatality review 466
committee or suicide fatality review committee shall be construed 467
to include a hybrid committee described in this section." 468

After line 19231, insert: 469

"**Sec. 2151.421.** (A)(1)(a) No person described in division 470
(A)(1)(b) of this section who is acting in an official or 471
professional capacity and knows, or has reasonable cause to 472

suspect based on facts that would cause a reasonable person in a 473
similar position to suspect, that a child under eighteen years of 474
age, or a person under twenty-one years of age with a 475
developmental disability or physical impairment, has suffered or 476
faces a threat of suffering any physical or mental wound, injury, 477
disability, or condition of a nature that reasonably indicates 478
abuse or neglect of the child shall fail to immediately report 479
that knowledge or reasonable cause to suspect to the entity or 480
persons specified in this division. Except as otherwise provided 481
in this division or section 5120.173 of the Revised Code, the 482
person making the report shall make it to the public children 483
services agency or a peace officer in the county in which the 484
child resides or in which the abuse or neglect is occurring or has 485
occurred. If the person making the report is a peace officer, the 486
officer shall make it to the public children services agency in 487
the county in which the child resides or in which the abuse or 488
neglect is occurring or has occurred. In the circumstances 489
described in section 5120.173 of the Revised Code, the person 490
making the report shall make it to the entity specified in that 491
section. 492

(b) Division (A)(1)(a) of this section applies to any person 493
who is an attorney; health care professional; practitioner of a 494
limited branch of medicine as specified in section 4731.15 of the 495
Revised Code; licensed school psychologist; independent marriage 496
and family therapist or marriage and family therapist; coroner; 497
administrator or employee of a child day-care center; 498
administrator or employee of a residential camp, child day camp, 499
or private, nonprofit therapeutic wilderness camp; administrator 500
or employee of a certified child care agency or other public or 501
private children services agency; school teacher; school employee; 502
school authority; peace officer; humane society agent; dog warden, 503

deputy dog warden, or other person appointed to act as an animal 504
 control officer for a municipal corporation or township in 505
 accordance with state law, an ordinance, or a resolution; person, 506
 other than a cleric, rendering spiritual treatment through prayer 507
 in accordance with the tenets of a well-recognized religion; 508
 employee of a county department of job and family services who is 509
 a professional and who works with children and families; 510
 superintendent or regional administrator employed by the 511
 department of youth services; superintendent, board member, or 512
 employee of a county board of developmental disabilities; 513
 investigative agent contracted with by a county board of 514
 developmental disabilities; employee of the department of 515
 developmental disabilities; employee of a facility or home that 516
 provides respite care in accordance with section 5123.171 of the 517
 Revised Code; employee of an entity that provides homemaker 518
 services; employee of a qualified organization as defined in 519
 section 2151.90 of the Revised Code; a host family as defined in 520
 section 2151.90 of the Revised Code; foster caregiver; a person 521
 performing the duties of an assessor pursuant to Chapter 3107. or 522
 5103. of the Revised Code; third party employed by a public 523
 children services agency to assist in providing child or family 524
 related services; court appointed special advocate; or guardian ad 525
 litem. 526

(c) If two or more health care professionals, after providing 527
 health care services to a child, determine or suspect that the 528
 child has been or is being abused or neglected, the health care 529
 professionals may designate one of the health care professionals 530
 to report the abuse or neglect. A single report made under this 531
 division shall meet the reporting requirements of division (A)(1) 532
 of this section. 533

(2) Except as provided in division (A)(3) of this section, an 534

attorney or a physician is not required to make a report pursuant
to division (A)(1) of this section concerning any communication
the attorney or physician receives from a client or patient in an
attorney-client or physician-patient relationship, if, in
accordance with division (A) or (B) of section 2317.02 of the
Revised Code, the attorney or physician could not testify with
respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or
physician-patient relationship described in division (A)(2) of
this section is deemed to have waived any testimonial privilege
under division (A) or (B) of section 2317.02 of the Revised Code
with respect to any communication the attorney or physician
receives from the client or patient in that attorney-client or
physician-patient relationship, and the attorney or physician
shall make a report pursuant to division (A)(1) of this section
with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication,
is a child under eighteen years of age or is a person under
twenty-one years of age with a developmental disability or
physical impairment.

(b) The attorney or physician knows, or has reasonable cause
to suspect based on facts that would cause a reasonable person in
similar position to suspect that the client or patient has
suffered or faces a threat of suffering any physical or mental
wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's
or patient's attempt to have an abortion without the notification
of her parents, guardian, or custodian in accordance with section
2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, 565
designated by any church, religious society, or faith acting as a 566
leader, official, or delegate on behalf of the church, religious 567
society, or faith who is acting in an official or professional 568
capacity, who knows, or has reasonable cause to believe based on 569
facts that would cause a reasonable person in a similar position 570
to believe, that a child under eighteen years of age, or a person 571
under twenty-one years of age with a developmental disability or 572
physical impairment, has suffered or faces a threat of suffering 573
any physical or mental wound, injury, disability, or condition of 574
a nature that reasonably indicates abuse or neglect of the child, 575
and who knows, or has reasonable cause to believe based on facts 576
that would cause a reasonable person in a similar position to 577
believe, that another cleric or another person, other than a 578
volunteer, designated by a church, religious society, or faith 579
acting as a leader, official, or delegate on behalf of the church, 580
religious society, or faith caused, or poses the threat of 581
causing, the wound, injury, disability, or condition that 582
reasonably indicates abuse or neglect shall fail to immediately 583
report that knowledge or reasonable cause to believe to the entity 584
or persons specified in this division. Except as provided in 585
section 5120.173 of the Revised Code, the person making the report 586
shall make it to the public children services agency or a peace 587
officer in the county in which the child resides or in which the 588
abuse or neglect is occurring or has occurred. In the 589
circumstances described in section 5120.173 of the Revised Code, 590
the person making the report shall make it to the entity specified 591
in that section. 592

(b) Except as provided in division (A)(4)(c) of this section, 593
a cleric is not required to make a report pursuant to division 594
(A)(4)(a) of this section concerning any communication the cleric 595

receives from a penitent in a cleric-penitent relationship, if, in 596
accordance with division (C) of section 2317.02 of the Revised 597
Code, the cleric could not testify with respect to that 598
communication in a civil or criminal proceeding. 599

(c) The penitent in a cleric-penitent relationship described 600
in division (A)(4)(b) of this section is deemed to have waived any 601
testimonial privilege under division (C) of section 2317.02 of the 602
Revised Code with respect to any communication the cleric receives 603
from the penitent in that cleric-penitent relationship, and the 604
cleric shall make a report pursuant to division (A)(4)(a) of this 605
section with respect to that communication, if all of the 606
following apply: 607

(i) The penitent, at the time of the communication, is a 608
child under eighteen years of age or is a person under twenty-one 609
years of age with a developmental disability or physical 610
impairment. 611

(ii) The cleric knows, or has reasonable cause to believe 612
based on facts that would cause a reasonable person in a similar 613
position to believe, as a result of the communication or any 614
observations made during that communication, the penitent has 615
suffered or faces a threat of suffering any physical or mental 616
wound, injury, disability, or condition of a nature that 617
reasonably indicates abuse or neglect of the penitent. 618

(iii) The abuse or neglect does not arise out of the 619
penitent's attempt to have an abortion performed upon a child 620
under eighteen years of age or upon a person under twenty-one 621
years of age with a developmental disability or physical 622
impairment without the notification of her parents, guardian, or 623
custodian in accordance with section 2151.85 of the Revised Code. 624

(d) Divisions (A)(4)(a) and (c) of this section do not apply 625

in a cleric-penitent relationship when the disclosure of any 626
communication the cleric receives from the penitent is in 627
violation of the sacred trust. 628

(e) As used in divisions (A)(1) and (4) of this section, 629
"cleric" and "sacred trust" have the same meanings as in section 630
2317.02 of the Revised Code. 631

(B) Anyone who knows, or has reasonable cause to suspect 632
based on facts that would cause a reasonable person in similar 633
circumstances to suspect, that a child under eighteen years of 634
age, or a person under twenty-one years of age with a 635
developmental disability or physical impairment, has suffered or 636
faces a threat of suffering any physical or mental wound, injury, 637
disability, or other condition of a nature that reasonably 638
indicates abuse or neglect of the child may report or cause 639
reports to be made of that knowledge or reasonable cause to 640
suspect to the entity or persons specified in this division. 641
Except as provided in section 5120.173 of the Revised Code, a 642
person making a report or causing a report to be made under this 643
division shall make it or cause it to be made to the public 644
children services agency or to a peace officer. In the 645
circumstances described in section 5120.173 of the Revised Code, a 646
person making a report or causing a report to be made under this 647
division shall make it or cause it to be made to the entity 648
specified in that section. 649

(C) Any report made pursuant to division (A) or (B) of this 650
section shall be made forthwith either by telephone or in person 651
and shall be followed by a written report, if requested by the 652
receiving agency or officer. The written report shall contain: 653

(1) The names and addresses of the child and the child's 654
parents or the person or persons having custody of the child, if 655

known;

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(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

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(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

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(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

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(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

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(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant

to division (A) or (B) of this section, upon receipt of the 716
report, the peace officer who receives the report shall refer the 717
report to the appropriate public children services agency, unless 718
an arrest is made at the time of the report that results in the 719
appropriate public children services agency being contacted 720
concerning the possible abuse or neglect of a child or the 721
possible threat of abuse or neglect of a child. 722

(2) When a public children services agency receives a report 723
pursuant to this division or division (A) or (B) of this section, 724
upon receipt of the report, the public children services agency 725
shall do both of the following: 726

(a) Comply with section 2151.422 of the Revised Code; 727

(b) If the county served by the agency is also served by a 728
children's advocacy center and the report alleges sexual abuse of 729
a child or another type of abuse of a child that is specified in 730
the memorandum of understanding that creates the center as being 731
within the center's jurisdiction, comply regarding the report with 732
the protocol and procedures for referrals and investigations, with 733
the coordinating activities, and with the authority or 734
responsibility for performing or providing functions, activities, 735
and services stipulated in the interagency agreement entered into 736
under section 2151.428 of the Revised Code relative to that 737
center. 738

(F) No peace officer shall remove a child about whom a report 739
is made pursuant to this section from the child's parents, 740
stepparents, or guardian or any other persons having custody of 741
the child without consultation with the public children services 742
agency, unless, in the judgment of the officer, and, if the report 743
was made by physician, the physician, immediate removal is 744
considered essential to protect the child from further abuse or 745

neglect. The agency that must be consulted shall be the agency 746
conducting the investigation of the report as determined pursuant 747
to section 2151.422 of the Revised Code. 748

(G)(1) Except as provided in section 2151.422 of the Revised 749
Code or in an interagency agreement entered into under section 750
2151.428 of the Revised Code that applies to the particular 751
report, the public children services agency shall investigate, 752
within twenty-four hours, each report of child abuse or child 753
neglect that is known or reasonably suspected or believed to have 754
occurred and of a threat of child abuse or child neglect that is 755
known or reasonably suspected or believed to exist that is 756
referred to it under this section to determine the circumstances 757
surrounding the injuries, abuse, or neglect or the threat of 758
injury, abuse, or neglect, the cause of the injuries, abuse, 759
neglect, or threat, and the person or persons responsible. The 760
investigation shall be made in cooperation with the law 761
enforcement agency and in accordance with the memorandum of 762
understanding prepared under division (K) of this section. A 763
representative of the public children services agency shall, at 764
the time of initial contact with the person subject to the 765
investigation, inform the person of the specific complaints or 766
allegations made against the person. The information shall be 767
given in a manner that is consistent with division (I)(1) of this 768
section and protects the rights of the person making the report 769
under this section. 770

A failure to make the investigation in accordance with the 771
memorandum is not grounds for, and shall not result in, the 772
dismissal of any charges or complaint arising from the report or 773
the suppression of any evidence obtained as a result of the report 774
and does not give, and shall not be construed as giving, any 775
rights or any grounds for appeal or post-conviction relief to any 776

person. The public children services agency shall report each case 777
to the uniform statewide automated child welfare information 778
system that the department of job and family services shall 779
maintain in accordance with section 5101.13 of the Revised Code. 780
The public children services agency shall submit a report of its 781
investigation, in writing, to the law enforcement agency. 782

(2) The public children services agency shall make any 783
recommendations to the county prosecuting attorney or city 784
director of law that it considers necessary to protect any 785
children that are brought to its attention. 786

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 787
(I)(3) of this section, any person, health care professional, 788
hospital, institution, school, health department, or agency shall 789
be immune from any civil or criminal liability for injury, death, 790
or loss to person or property that otherwise might be incurred or 791
imposed as a result of any of the following: 792

(i) Participating in the making of reports pursuant to 793
division (A) of this section or in the making of reports in good 794
faith, pursuant to division (B) of this section; 795

(ii) Participating in medical examinations, tests, or 796
procedures under division (D) of this section; 797

(iii) Providing information used in a report made pursuant to 798
division (A) of this section or providing information in good 799
faith used in a report made pursuant to division (B) of this 800
section; 801

(iv) Participating in a judicial proceeding resulting from a 802
report made pursuant to division (A) of this section or 803
participating in good faith in a proceeding resulting from a 804
report made pursuant to division (B) of this section. 805

(b) Immunity under division (H)(1)(a)(ii) of this section 806
shall not apply when a health care provider has deviated from the 807
standard of care applicable to the provider's profession. 808

(c) Notwithstanding section 4731.22 of the Revised Code, the 809
physician-patient privilege shall not be a ground for excluding 810
evidence regarding a child's injuries, abuse, or neglect, or the 811
cause of the injuries, abuse, or neglect in any judicial 812
proceeding resulting from a report submitted pursuant to this 813
section. 814

(2) In any civil or criminal action or proceeding in which it 815
is alleged and proved that participation in the making of a report 816
under this section was not in good faith or participation in a 817
judicial proceeding resulting from a report made under this 818
section was not in good faith, the court shall award the 819
prevailing party reasonable attorney's fees and costs and, if a 820
civil action or proceeding is voluntarily dismissed, may award 821
reasonable attorney's fees and costs to the party against whom the 822
civil action or proceeding is brought. 823

(I)(1) Except as provided in divisions (I)(4) and (O) of this 824
section, a report made under this section is confidential. The 825
information provided in a report made pursuant to this section and 826
the name of the person who made the report shall not be released 827
for use, and shall not be used, as evidence in any civil action or 828
proceeding brought against the person who made the report. Nothing 829
in this division shall preclude the use of reports of other 830
incidents of known or suspected abuse or neglect in a civil action 831
or proceeding brought pursuant to division (N) of this section 832
against a person who is alleged to have violated division (A)(1) 833
of this section, provided that any information in a report that 834
would identify the child who is the subject of the report or the 835

maker of the report, if the maker of the report is not the
defendant or an agent or employee of the defendant, has been
redacted. In a criminal proceeding, the report is admissible in
evidence in accordance with the Rules of Evidence and is subject
to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this
section, no person shall permit or encourage the unauthorized
dissemination of the contents of any report made under this
section.

(b) A health care professional that obtains the same
information contained in a report made under this section from a
source other than the report may disseminate the information, if
its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to
make a false report under division (B) of this section that
alleges that any person has committed an act or omission that
resulted in a child being an abused child or a neglected child is
guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies
for any reason at any time after the report is made, but before
the child attains eighteen years of age, the public children
services agency or peace officer to which the report was made or
referred, on the request of the child fatality review board, the
suicide fatality review committee, or the director of health
pursuant to guidelines established under section 3701.70 of the
Revised Code, shall submit a summary sheet of information
providing a summary of the report to the review board or review
committee of the county in which the deceased child resided at the
time of death or to the director. On the request of the review

board, review committee, or director, the agency or peace officer 866
may, at its discretion, make the report available to the review 867
board, review committee, or director. If the county served by the 868
public children services agency is also served by a children's 869
advocacy center and the report of alleged sexual abuse of a child 870
or another type of abuse of a child is specified in the memorandum 871
of understanding that creates the center as being within the 872
center's jurisdiction, the agency or center shall perform the 873
duties and functions specified in this division in accordance with 874
the interagency agreement entered into under section 2151.428 of 875
the Revised Code relative to that advocacy center. 876

(5) A public children services agency shall advise a person 877
alleged to have inflicted abuse or neglect on a child who is the 878
subject of a report made pursuant to this section, including a 879
report alleging sexual abuse of a child or another type of abuse 880
of a child referred to a children's advocacy center pursuant to an 881
interagency agreement entered into under section 2151.428 of the 882
Revised Code, in writing of the disposition of the investigation. 883
The agency shall not provide to the person any information that 884
identifies the person who made the report, statements of 885
witnesses, or police or other investigative reports. 886

(J) Any report that is required by this section, other than a 887
report that is made to the state highway patrol as described in 888
section 5120.173 of the Revised Code, shall result in protective 889
services and emergency supportive services being made available by 890
the public children services agency on behalf of the children 891
about whom the report is made, in an effort to prevent further 892
neglect or abuse, to enhance their welfare, and, whenever 893
possible, to preserve the family unit intact. The agency required 894
to provide the services shall be the agency conducting the 895
investigation of the report pursuant to section 2151.422 of the 896

Revised Code.	897
(K)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:	898 899 900
(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;	901 902 903
(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;	904 905 906 907 908
(c) The county peace officer;	909
(d) All chief municipal peace officers within the county;	910
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	911 912
(f) The prosecuting attorney of the county;	913
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	914 915 916
(h) The county humane society;	917
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	918 919 920 921 922
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in	923 924

the execution of their respective responsibilities under this 925
section and division (C) of section 2919.21, division (B)(1) of 926
section 2919.22, division (B) of section 2919.23, and section 927
2919.24 of the Revised Code and shall have as two of its primary 928
goals the elimination of all unnecessary interviews of children 929
who are the subject of reports made pursuant to division (A) or 930
(B) of this section and, when feasible, providing for only one 931
interview of a child who is the subject of any report made 932
pursuant to division (A) or (B) of this section. A failure to 933
follow the procedure set forth in the memorandum by the concerned 934
officials is not grounds for, and shall not result in, the 935
dismissal of any charges or complaint arising from any reported 936
case of abuse or neglect or the suppression of any evidence 937
obtained as a result of any reported child abuse or child neglect 938
and does not give, and shall not be construed as giving, any 939
rights or any grounds for appeal or post-conviction relief to any 940
person. 941

(3) A memorandum of understanding shall include all of the 942
following: 943

(a) The roles and responsibilities for handling emergency and 944
nonemergency cases of abuse and neglect; 945

(b) Standards and procedures to be used in handling and 946
coordinating investigations of reported cases of child abuse and 947
reported cases of child neglect, methods to be used in 948
interviewing the child who is the subject of the report and who 949
allegedly was abused or neglected, and standards and procedures 950
addressing the categories of persons who may interview the child 951
who is the subject of the report and who allegedly was abused or 952
neglected. 953

(4) If a public children services agency participated in the 954

execution of a memorandum of understanding under section 2151.426 955
of the Revised Code establishing a children's advocacy center, the 956
agency shall incorporate the contents of that memorandum in the 957
memorandum prepared pursuant to this section. 958

(5) The clerk of the court of common pleas in the county may 959
sign the memorandum of understanding prepared under division 960
(K)(1) of this section. If the clerk signs the memorandum of 961
understanding, the clerk shall execute all relevant 962
responsibilities as required of officials specified in the 963
memorandum. 964

(L)(1) Except as provided in division (L)(4) or (5) of this 965
section, a person who is required to make a report pursuant to 966
division (A) of this section may make a reasonable number of 967
requests of the public children services agency that receives or 968
is referred the report, or of the children's advocacy center that 969
is referred the report if the report is referred to a children's 970
advocacy center pursuant to an interagency agreement entered into 971
under section 2151.428 of the Revised Code, to be provided with 972
the following information: 973

(a) Whether the agency or center has initiated an 974
investigation of the report; 975

(b) Whether the agency or center is continuing to investigate 976
the report; 977

(c) Whether the agency or center is otherwise involved with 978
the child who is the subject of the report; 979

(d) The general status of the health and safety of the child 980
who is the subject of the report; 981

(e) Whether the report has resulted in the filing of a 982
complaint in juvenile court or of criminal charges in another 983

court. 984

(2) A person may request the information specified in 985
division (L)(1) of this section only if, at the time the report is 986
made, the person's name, address, and telephone number are 987
provided to the person who receives the report. 988

When a peace officer or employee of a public children 989
services agency receives a report pursuant to division (A) or (B) 990
of this section the recipient of the report shall inform the 991
person of the right to request the information described in 992
division (L)(1) of this section. The recipient of the report shall 993
include in the initial child abuse or child neglect report that 994
the person making the report was so informed and, if provided at 995
the time of the making of the report, shall include the person's 996
name, address, and telephone number in the report. 997

Each request is subject to verification of the identity of 998
the person making the report. If that person's identity is 999
verified, the agency shall provide the person with the information 1000
described in division (L)(1) of this section a reasonable number 1001
of times, except that the agency shall not disclose any 1002
confidential information regarding the child who is the subject of 1003
the report other than the information described in those 1004
divisions. 1005

(3) A request made pursuant to division (L)(1) of this 1006
section is not a substitute for any report required to be made 1007
pursuant to division (A) of this section. 1008

(4) If an agency other than the agency that received or was 1009
referred the report is conducting the investigation of the report 1010
pursuant to section 2151.422 of the Revised Code, the agency 1011
conducting the investigation shall comply with the requirements of 1012
division (L) of this section. 1013

(5) A health care professional who made a report under 1014
 division (A) of this section, or on whose behalf such a report was 1015
 made as provided in division (A)(1)(c) of this section, may 1016
 authorize a person to obtain the information described in division 1017
 (L)(1) of this section if the person requesting the information is 1018
 associated with or acting on behalf of the health care 1019
 professional who provided health care services to the child about 1020
 whom the report was made. 1021

(M) The director of job and family services shall adopt rules 1022
 in accordance with Chapter 119. of the Revised Code to implement 1023
 this section. The department of job and family services may enter 1024
 into a plan of cooperation with any other governmental entity to 1025
 aid in ensuring that children are protected from abuse and 1026
 neglect. The department shall make recommendations to the attorney 1027
 general that the department determines are necessary to protect 1028
 children from child abuse and child neglect. 1029

(N) Whoever violates division (A) of this section is liable 1030
 for compensatory and exemplary damages to the child who would have 1031
 been the subject of the report that was not made. A person who 1032
 brings a civil action or proceeding pursuant to this division 1033
 against a person who is alleged to have violated division (A)(1) 1034
 of this section may use in the action or proceeding reports of 1035
 other incidents of known or suspected abuse or neglect, provided 1036
 that any information in a report that would identify the child who 1037
 is the subject of the report or the maker of the report, if the 1038
 maker is not the defendant or an agent or employee of the 1039
 defendant, has been redacted. 1040

(O)(1) As used in this division: 1041

(a) "Out-of-home care" includes a nonchartered nonpublic 1042
 school if the alleged child abuse or child neglect, or alleged 1043

threat of child abuse or child neglect, described in a report 1044
received by a public children services agency allegedly occurred 1045
in or involved the nonchartered nonpublic school and the alleged 1046
perpetrator named in the report holds a certificate, permit, or 1047
license issued by the state board of education under section 1048
3301.071 or Chapter 3319. of the Revised Code. 1049

(b) "Administrator, director, or other chief administrative 1050
officer" means the superintendent of the school district if the 1051
out-of-home care entity subject to a report made pursuant to this 1052
section is a school operated by the district. 1053

(2) No later than the end of the day following the day on 1054
which a public children services agency receives a report of 1055
alleged child abuse or child neglect, or a report of an alleged 1056
threat of child abuse or child neglect, that allegedly occurred in 1057
or involved an out-of-home care entity, the agency shall provide 1058
written notice of the allegations contained in and the person 1059
named as the alleged perpetrator in the report to the 1060
administrator, director, or other chief administrative officer of 1061
the out-of-home care entity that is the subject of the report 1062
unless the administrator, director, or other chief administrative 1063
officer is named as an alleged perpetrator in the report. If the 1064
administrator, director, or other chief administrative officer of 1065
an out-of-home care entity is named as an alleged perpetrator in a 1066
report of alleged child abuse or child neglect, or a report of an 1067
alleged threat of child abuse or child neglect, that allegedly 1068
occurred in or involved the out-of-home care entity, the agency 1069
shall provide the written notice to the owner or governing board 1070
of the out-of-home care entity that is the subject of the report. 1071
The agency shall not provide witness statements or police or other 1072
investigative reports. 1073

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, 1104
 constable, police officer of a township or joint police district, 1105
 marshal, deputy marshal, municipal police officer, or a state 1106
 highway patrol trooper." 1107

After line 39279, insert: 1108

"Sec. 3701.0410. The department of health shall adopt rules 1109
in accordance with Chapter 119. of the Revised Code that establish 1110
a procedure for county or regional drug overdose fatality review 1111
committees to follow in conducting a review of an overdose death. 1112
The rules shall do all of the following: 1113

(A) Establish the format for the annual reports required by 1114
section 307.636 of the Revised Code; 1115

(B) Establish guidelines for a county or regional review 1116
committee to follow in compiling statistics for annual reports so 1117
that the reports do not contain any information that would permit 1118
any person's identity to be ascertained from a report; 1119

(C) Establish guidelines for a county or regional review 1120
committee to follow in creating and maintaining the comprehensive 1121
database of overdose deaths required by section 307.634 of the 1122
Revised Code, including provisions establishing uniform 1123
record-keeping procedures; 1124

(D) Establish guidelines for reporting drug overdose fatality 1125
review data to the department of health, which must maintain the 1126
confidentiality of information that would permit a person's 1127
identity to be ascertained; 1128

(E) Establish guidelines, materials, and training to help 1129
educate members of county or regional review committees about the 1130
purpose of the review process and the confidentiality of the 1131

<u>information described in section 307.639 of the Revised Code;</u>	1132
<u>(F) Establish guidelines, materials, and training, in</u>	1133
<u>consultation with the state board of pharmacy, about the</u>	1134
<u>appropriate use of the drug database maintained in accordance with</u>	1135
<u>section 4729.75 of the Revised Code.</u>	1136
<u>Sec. 3701.0411. The department of health shall adopt rules in</u>	1137
<u>accordance with Chapter 119. of the Revised Code that establish a</u>	1138
<u>procedure for county or regional suicide fatality review</u>	1139
<u>committees to follow in conducting a review of a suicide death.</u>	1140
<u>The rules shall do all of the following:</u>	1141
<u>(A) Establish the format for the annual reports required by</u>	1142
<u>section 307.646 of the Revised Code;</u>	1143
<u>(B) Establish guidelines for a county or regional review</u>	1144
<u>committee to follow in compiling statistics for annual reports so</u>	1145
<u>that the reports do not contain any information that would permit</u>	1146
<u>any person's identity to be ascertained from a report;</u>	1147
<u>(C) Establish guidelines for a county or regional review</u>	1148
<u>committee to follow in creating and maintaining the comprehensive</u>	1149
<u>database of deaths by suicide required by section 307.643 of the</u>	1150
<u>Revised Code, including provisions establishing uniform</u>	1151
<u>record-keeping procedures;</u>	1152
<u>(D) Establish guidelines for reporting suicide fatality</u>	1153
<u>review data to the department of health, which must maintain the</u>	1154
<u>confidentiality of information that would permit a person's</u>	1155
<u>identity to be ascertained;</u>	1156
<u>(E) Establish guidelines, materials, and training to help</u>	1157
<u>educate members of county or regional review committees about the</u>	1158
<u>purpose of the review process and the confidentiality of the</u>	1159

information described in section 307.649 of the Revised Code; 1160

(F) Establish guidelines, materials, and training, in 1161
consultation with the state board of pharmacy, about the 1162
appropriate use of the drug database maintained in accordance with 1163
section 4729.75 of the Revised Code." 1164

After line 50987, insert: 1165

"**Sec. 4729.80.** (A) If the state board of pharmacy establishes 1166
and maintains a drug database pursuant to section 4729.75 of the 1167
Revised Code, the board is authorized or required to provide 1168
information from the database only as follows: 1169

(1) On receipt of a request from a designated representative 1170
of a government entity responsible for the licensure, regulation, 1171
or discipline of health care professionals with authority to 1172
prescribe, administer, or dispense drugs, the board may provide to 1173
the representative information from the database relating to the 1174
professional who is the subject of an active investigation being 1175
conducted by the government entity or relating to a professional 1176
who is acting as an expert witness for the government entity in 1177
such an investigation. 1178

(2) On receipt of a request from a federal officer, or a 1179
state or local officer of this or any other state, whose duties 1180
include enforcing laws relating to drugs, the board shall provide 1181
to the officer information from the database relating to the 1182
person who is the subject of an active investigation of a drug 1183
abuse offense, as defined in section 2925.01 of the Revised Code, 1184
being conducted by the officer's employing government entity. 1185

(3) Pursuant to a subpoena issued by a grand jury, the board 1186
shall provide to the grand jury information from the database 1187
relating to the person who is the subject of an investigation 1188

being conducted by the grand jury. 1189

(4) Pursuant to a subpoena, search warrant, or court order in 1190
connection with the investigation or prosecution of a possible or 1191
alleged criminal offense, the board shall provide information from 1192
the database as necessary to comply with the subpoena, search 1193
warrant, or court order. 1194

(5) On receipt of a request from a prescriber or the 1195
prescriber's delegate approved by the board, the board shall 1196
provide to the prescriber a report of information from the 1197
database relating to a patient who is either a current patient of 1198
the prescriber or a potential patient of the prescriber based on a 1199
referral of the patient to the prescriber, if all of the following 1200
conditions are met: 1201

(a) The prescriber certifies in a form specified by the board 1202
that it is for the purpose of providing medical treatment to the 1203
patient who is the subject of the request; 1204

(b) The prescriber has not been denied access to the database 1205
by the board. 1206

(6) On receipt of a request from a pharmacist or the 1207
pharmacist's delegate approved by the board, the board shall 1208
provide to the pharmacist information from the database relating 1209
to a current patient of the pharmacist, if the pharmacist 1210
certifies in a form specified by the board that it is for the 1211
purpose of the pharmacist's practice of pharmacy involving the 1212
patient who is the subject of the request and the pharmacist has 1213
not been denied access to the database by the board. 1214

(7) On receipt of a request from an individual seeking the 1215
individual's own database information in accordance with the 1216
procedure established in rules adopted under section 4729.84 of 1217

the Revised Code, the board may provide to the individual the 1218
individual's own prescription history. 1219

(8) On receipt of a request from a medical director or a 1220
pharmacy director of a managed care organization that has entered 1221
into a contract with the department of medicaid under section 1222
5167.10 of the Revised Code and a data security agreement with the 1223
board required by section 5167.14 of the Revised Code, the board 1224
shall provide to the medical director or the pharmacy director 1225
information from the database relating to a medicaid recipient 1226
enrolled in the managed care organization, including information 1227
in the database related to prescriptions for the recipient that 1228
were not covered or reimbursed under a program administered by the 1229
department of medicaid. 1230

(9) On receipt of a request from the medicaid director, the 1231
board shall provide to the director information from the database 1232
relating to a recipient of a program administered by the 1233
department of medicaid, including information in the database 1234
related to prescriptions for the recipient that were not covered 1235
or paid by a program administered by the department. 1236

(10) On receipt of a request from a medical director of a 1237
managed care organization that has entered into a contract with 1238
the administrator of workers' compensation under division (B)(4) 1239
of section 4121.44 of the Revised Code and a data security 1240
agreement with the board required by section 4121.447 of the 1241
Revised Code, the board shall provide to the medical director 1242
information from the database relating to a claimant under Chapter 1243
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 1244
managed care organization, including information in the database 1245
related to prescriptions for the claimant that were not covered or 1246
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 1247

Revised Code, if the administrator of workers' compensation 1248
 confirms, upon request from the board, that the claimant is 1249
 assigned to the managed care organization. 1250

(11) On receipt of a request from the administrator of 1251
 workers' compensation, the board shall provide to the 1252
 administrator information from the database relating to a claimant 1253
 under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 1254
 including information in the database related to prescriptions for 1255
 the claimant that were not covered or reimbursed under Chapter 1256
 4121., 4123., 4127., or 4131. of the Revised Code. 1257

(12) On receipt of a request from a prescriber or the 1258
 prescriber's delegate approved by the board, the board shall 1259
 provide to the prescriber information from the database relating 1260
 to a patient's mother, if the prescriber certifies in a form 1261
 specified by the board that it is for the purpose of providing 1262
 medical treatment to a newborn or infant patient diagnosed as 1263
 opioid dependent and the prescriber has not been denied access to 1264
 the database by the board. 1265

(13) On receipt of a request from the director of health, the 1266
 board shall provide to the director information from the database 1267
 relating to the duties of the director or the department of health 1268
 in implementing the Ohio violent death reporting system 1269
 established under section 3701.93 of the Revised Code. 1270

(14) On receipt of a request from a requestor described in 1271
 division (A)(1), (2), (5), or (6) of this section who is from or 1272
 participating with another state's prescription monitoring 1273
 program, the board may provide to the requestor information from 1274
 the database, but only if there is a written agreement under which 1275
 the information is to be used and disseminated according to the 1276
 laws of this state. 1277

(15) On receipt of a request from a delegate of a retail	1278
dispensary licensed under Chapter 3796. of the Revised Code who is	1279
approved by the board to serve as the dispensary's delegate, the	1280
board shall provide to the delegate a report of information from	1281
the database pertaining only to a patient's use of medical	1282
marijuana, if both of the following conditions are met:	1283
(a) The delegate certifies in a form specified by the board	1284
that it is for the purpose of dispensing medical marijuana for use	1285
in accordance with Chapter 3796. of the Revised Code.	1286
(b) The retail dispensary or delegate has not been denied	1287
access to the database by the board.	1288
(16) On receipt of a request from a judge of a program	1289
certified by the Ohio supreme court as a specialized docket	1290
program for drugs, the board shall provide to the judge, or an	1291
employee of the program who is designated by the judge to receive	1292
the information, information from the database that relates	1293
specifically to a current or prospective program participant.	1294
(17) On receipt of a request from a coroner, deputy coroner,	1295
or coroner's delegate approved by the board, the board shall	1296
provide to the requestor information from the database relating to	1297
a deceased person about whom the coroner is conducting or has	1298
conducted an autopsy or investigation.	1299
(18) On receipt of a request from a prescriber, the board may	1300
provide to the prescriber a summary of the prescriber's	1301
prescribing record if such a record is created by the board.	1302
Information in the summary is subject to the confidentiality	1303
requirements of this chapter.	1304
(19)(a) On receipt of a request from a pharmacy's responsible	1305
person, the board may provide to the responsible person a summary	1306

of the pharmacy's dispensing record if such a record is created by 1307
the board. Information in the summary is subject to the 1308
confidentiality requirements of this chapter. 1309

(b) As used in division (A)(19)(a) of this section, 1310
"responsible person" has the same meaning as in rules adopted by 1311
the board under section 4729.26 of the Revised Code. 1312

(20) The board may provide information from the database 1313
without request to a prescriber or pharmacist who is authorized to 1314
use the database pursuant to this chapter. 1315

(21)(a) On receipt of a request from a prescriber or 1316
pharmacist, or the prescriber's or pharmacist's delegate, who is a 1317
designated representative of a peer review committee, the board 1318
shall provide to the committee information from the database 1319
relating to a prescriber who is subject to the committee's 1320
evaluation, supervision, or discipline if the information is to be 1321
used for one of those purposes. The board shall provide only 1322
information that it determines, in accordance with rules adopted 1323
under section 4729.84 of the Revised Code, is appropriate to be 1324
provided to the committee. 1325

(b) As used in division (A)(21)(a) of this section, "peer 1326
review committee" has the same meaning as in section 2305.25 of 1327
the Revised Code, except that it includes only a peer review 1328
committee of a hospital or a peer review committee of a nonprofit 1329
health care corporation that is a member of the hospital or of 1330
which the hospital is a member. 1331

(22) On receipt of a request from a requestor described in 1332
division (A)(5) or (6) of this section who is from or 1333
participating with a prescription monitoring program that is 1334
operated by a federal agency and approved by the board, the board 1335
may provide to the requestor information from the database, but 1336

only if there is a written agreement under which the information 1337
 is to be used and disseminated according to the laws of this 1338
 state. 1339

(23) Any personal health information submitted to the board 1340
 pursuant to section 4729.772 of the Revised Code may be provided 1341
 by the board only as authorized by the submitter of the 1342
 information and in accordance with rules adopted under section 1343
 4729.84 of the Revised Code. 1344

(24) On receipt of a request from a person described in 1345
division (A)(5), (6), or (17) of this section who is participating 1346
in a drug overdose fatality review committee described in section 1347
307.631 of the Revised Code, the board may provide to the 1348
requestor information from the database, but only if there is a 1349
written agreement under which the information is to be used and 1350
disseminated according to the laws of this state. 1351

(25) On receipt of a request from a person described in 1352
division (A)(5), (6), or (17) of this section who is participating 1353
in a suicide fatality review committee described in section 1354
307.641 of the Revised Code, the board may provide to the 1355
requestor information from the database, but only if there is a 1356
written agreement under which the information is to be used and 1357
disseminated according to the laws of this state. 1358

(B) The state board of pharmacy shall maintain a record of 1359
 each individual or entity that requests information from the 1360
 database pursuant to this section. In accordance with rules 1361
 adopted under section 4729.84 of the Revised Code, the board may 1362
 use the records to document and report statistics and law 1363
 enforcement outcomes. 1364

The board may provide records of an individual's requests for 1365
 database information only to the following: 1366

(1) A designated representative of a government entity that 1367
is responsible for the licensure, regulation, or discipline of 1368
health care professionals with authority to prescribe, administer, 1369
or dispense drugs who is involved in an active criminal or 1370
disciplinary investigation being conducted by the government 1371
entity of the individual who submitted the requests for database 1372
information; 1373

(2) A federal officer, or a state or local officer of this or 1374
any other state, whose duties include enforcing laws relating to 1375
drugs and who is involved in an active investigation being 1376
conducted by the officer's employing government entity of the 1377
individual who submitted the requests for database information; 1378

(3) A designated representative of the department of medicaid 1379
regarding a prescriber who is treating or has treated a recipient 1380
of a program administered by the department and who submitted the 1381
requests for database information. 1382

(C) Information contained in the database and any information 1383
obtained from it is confidential and is not a public record. 1384
Information contained in the records of requests for information 1385
from the database is confidential and is not a public record. 1386
Information contained in the database that does not identify a 1387
person, including any licensee or registrant of the board or other 1388
entity, may be released in summary, statistical, or aggregate 1389
form. 1390

(D) A pharmacist or prescriber shall not be held liable in 1391
damages to any person in any civil action for injury, death, or 1392
loss to person or property on the basis that the pharmacist or 1393
prescriber did or did not seek or obtain information from the 1394
database. 1395

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(23)~~(25), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The

summary restriction shall remain in effect, unless removed by the 1454
board, until the board's final adjudication order becomes 1455
effective. 1456

(3) The board shall determine the extent to which the person 1457
is restricted from obtaining further information from the 1458
database." 1459

After line 51028, insert: 1460

"**Sec. 4731.22.** (A) The state medical board, by an affirmative 1461
vote of not fewer than six of its members, may limit, revoke, or 1462
suspend a license or certificate to practice or certificate to 1463
recommend, refuse to grant a license or certificate, refuse to 1464
renew a license or certificate, refuse to reinstate a license or 1465
certificate, or reprimand or place on probation the holder of a 1466
license or certificate if the individual applying for or holding 1467
the license or certificate is found by the board to have committed 1468
fraud during the administration of the examination for a license 1469
or certificate to practice or to have committed fraud, 1470
misrepresentation, or deception in applying for, renewing, or 1471
securing any license or certificate to practice or certificate to 1472
recommend issued by the board. 1473

(B) The board, by an affirmative vote of not fewer than six 1474
members, shall, to the extent permitted by law, limit, revoke, or 1475
suspend a license or certificate to practice or certificate to 1476
recommend, refuse to issue a license or certificate, refuse to 1477
renew a license or certificate, refuse to reinstate a license or 1478
certificate, or reprimand or place on probation the holder of a 1479
license or certificate for one or more of the following reasons: 1480

(1) Permitting one's name or one's license or certificate to 1481
practice to be used by a person, group, or corporation when the 1482

individual concerned is not actually directing the treatment 1483
 given; 1484

(2) Failure to maintain minimal standards applicable to the 1485
 selection or administration of drugs, or failure to employ 1486
 acceptable scientific methods in the selection of drugs or other 1487
 modalities for treatment of disease; 1488

(3) Except as provided in section 4731.97 of the Revised 1489
 Code, selling, giving away, personally furnishing, prescribing, or 1490
 administering drugs for other than legal and legitimate 1491
 therapeutic purposes or a plea of guilty to, a judicial finding of 1492
 guilt of, or a judicial finding of eligibility for intervention in 1493
 lieu of conviction of, a violation of any federal or state law 1494
 regulating the possession, distribution, or use of any drug; 1495

(4) Willfully betraying a professional confidence. 1496

For purposes of this division, "willfully betraying a 1497
 professional confidence" does not include providing any 1498
 information, documents, or reports under sections 307.621 to 1499
 307.629 of the Revised Code to a child fatality review board; does 1500
not include providing any information, documents, or reports under 1501
sections 307.631 to 307.6410 of the Revised Code to a drug 1502
overdose fatality review committee, a suicide fatality review 1503
committee, or hybrid drug overdose fatality and suicide fatality 1504
review committee; does not include providing any information, 1505
 documents, or reports to the director of health pursuant to 1506
 guidelines established under section 3701.70 of the Revised Code; 1507
 does not include written notice to a mental health professional 1508
 under section 4731.62 of the Revised Code; and does not include 1509
 the making of a report of an employee's use of a drug of abuse, or 1510
 a report of a condition of an employee other than one involving 1511
 the use of a drug of abuse, to the employer of the employee as 1512

described in division (B) of section 2305.33 of the Revised Code. 1513
 Nothing in this division affects the immunity from civil liability 1514
 conferred by section 2305.33 or 4731.62 of the Revised Code upon a 1515
 physician who makes a report in accordance with section 2305.33 or 1516
 notifies a mental health professional in accordance with section 1517
 4731.62 of the Revised Code. As used in this division, "employee," 1518
 "employer," and "physician" have the same meanings as in section 1519
 2305.33 of the Revised Code. 1520

(5) Making a false, fraudulent, deceptive, or misleading 1521
 statement in the solicitation of or advertising for patients; in 1522
 relation to the practice of medicine and surgery, osteopathic 1523
 medicine and surgery, podiatric medicine and surgery, or a limited 1524
 branch of medicine; or in securing or attempting to secure any 1525
 license or certificate to practice issued by the board. 1526

As used in this division, "false, fraudulent, deceptive, or 1527
 misleading statement" means a statement that includes a 1528
 misrepresentation of fact, is likely to mislead or deceive because 1529
 of a failure to disclose material facts, is intended or is likely 1530
 to create false or unjustified expectations of favorable results, 1531
 or includes representations or implications that in reasonable 1532
 probability will cause an ordinarily prudent person to 1533
 misunderstand or be deceived. 1534

(6) A departure from, or the failure to conform to, minimal 1535
 standards of care of similar practitioners under the same or 1536
 similar circumstances, whether or not actual injury to a patient 1537
 is established; 1538

(7) Representing, with the purpose of obtaining compensation 1539
 or other advantage as personal gain or for any other person, that 1540
 an incurable disease or injury, or other incurable condition, can 1541
 be permanently cured; 1542

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	1543 1544 1545
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	1546 1547 1548
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	1549 1550 1551
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	1552 1553 1554
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	1555 1556 1557
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	1558 1559 1560
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	1561 1562 1563
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	1564 1565
(16) Failure to pay license renewal fees specified in this chapter;	1566 1567
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific	1568 1569 1570

referral of a patient to utilize a particular service or business; 1571

(18) Subject to section 4731.226 of the Revised Code, 1572
violation of any provision of a code of ethics of the American 1573
medical association, the American osteopathic association, the 1574
American podiatric medical association, or any other national 1575
professional organizations that the board specifies by rule. The 1576
state medical board shall obtain and keep on file current copies 1577
of the codes of ethics of the various national professional 1578
organizations. The individual whose license or certificate is 1579
being suspended or revoked shall not be found to have violated any 1580
provision of a code of ethics of an organization not appropriate 1581
to the individual's profession. 1582

For purposes of this division, a "provision of a code of 1583
ethics of a national professional organization" does not include 1584
any provision that would preclude the making of a report by a 1585
physician of an employee's use of a drug of abuse, or of a 1586
condition of an employee other than one involving the use of a 1587
drug of abuse, to the employer of the employee as described in 1588
division (B) of section 2305.33 of the Revised Code. Nothing in 1589
this division affects the immunity from civil liability conferred 1590
by that section upon a physician who makes either type of report 1591
in accordance with division (B) of that section. As used in this 1592
division, "employee," "employer," and "physician" have the same 1593
meanings as in section 2305.33 of the Revised Code. 1594

(19) Inability to practice according to acceptable and 1595
prevailing standards of care by reason of mental illness or 1596
physical illness, including, but not limited to, physical 1597
deterioration that adversely affects cognitive, motor, or 1598
perceptive skills. 1599

In enforcing this division, the board, upon a showing of a 1600

possible violation, may compel any individual authorized to
practice by this chapter or who has submitted an application
pursuant to this chapter to submit to a mental examination,
physical examination, including an HIV test, or both a mental and
a physical examination. The expense of the examination is the
responsibility of the individual compelled to be examined. Failure
to submit to a mental or physical examination or consent to an HIV
test ordered by the board constitutes an admission of the
allegations against the individual unless the failure is due to
circumstances beyond the individual's control, and a default and
final order may be entered without the taking of testimony or
presentation of evidence. If the board finds an individual unable
to practice because of the reasons set forth in this division, the
board shall require the individual to submit to care, counseling,
or treatment by physicians approved or designated by the board, as
a condition for initial, continued, reinstated, or renewed
authority to practice. An individual affected under this division
shall be afforded an opportunity to demonstrate to the board the
ability to resume practice in compliance with acceptable and
prevailing standards under the provisions of the individual's
license or certificate. For the purpose of this division, any
individual who applies for or receives a license or certificate to
practice under this chapter accepts the privilege of practicing in
this state and, by so doing, shall be deemed to have given consent
to submit to a mental or physical examination when directed to do
so in writing by the board, and to have waived all objections to
the admissibility of testimony or examination reports that
constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section
4731.282 of the Revised Code or when civil penalties are imposed
under section 4731.225 of the Revised Code, and subject to section

4731.226 of the Revised Code, violating or attempting to violate, 1632
 directly or indirectly, or assisting in or abetting the violation 1633
 of, or conspiring to violate, any provisions of this chapter or 1634
 any rule promulgated by the board. 1635

This division does not apply to a violation or attempted 1636
 violation of, assisting in or abetting the violation of, or a 1637
 conspiracy to violate, any provision of this chapter or any rule 1638
 adopted by the board that would preclude the making of a report by 1639
 a physician of an employee's use of a drug of abuse, or of a 1640
 condition of an employee other than one involving the use of a 1641
 drug of abuse, to the employer of the employee as described in 1642
 division (B) of section 2305.33 of the Revised Code. Nothing in 1643
 this division affects the immunity from civil liability conferred 1644
 by that section upon a physician who makes either type of report 1645
 in accordance with division (B) of that section. As used in this 1646
 division, "employee," "employer," and "physician" have the same 1647
 meanings as in section 2305.33 of the Revised Code. 1648

(21) The violation of section 3701.79 of the Revised Code or 1649
 of any abortion rule adopted by the director of health pursuant to 1650
 section 3701.341 of the Revised Code; 1651

(22) Any of the following actions taken by an agency 1652
 responsible for authorizing, certifying, or regulating an 1653
 individual to practice a health care occupation or provide health 1654
 care services in this state or another jurisdiction, for any 1655
 reason other than the nonpayment of fees: the limitation, 1656
 revocation, or suspension of an individual's license to practice; 1657
 acceptance of an individual's license surrender; denial of a 1658
 license; refusal to renew or reinstate a license; imposition of 1659
 probation; or issuance of an order of censure or other reprimand; 1660

(23) The violation of section 2919.12 of the Revised Code or 1661

the performance or inducement of an abortion upon a pregnant woman 1662
with actual knowledge that the conditions specified in division 1663
(B) of section 2317.56 of the Revised Code have not been satisfied 1664
or with a heedless indifference as to whether those conditions 1665
have been satisfied, unless an affirmative defense as specified in 1666
division (H)(2) of that section would apply in a civil action 1667
authorized by division (H)(1) of that section; 1668

(24) The revocation, suspension, restriction, reduction, or 1669
termination of clinical privileges by the United States department 1670
of defense or department of veterans affairs or the termination or 1671
suspension of a certificate of registration to prescribe drugs by 1672
the drug enforcement administration of the United States 1673
department of justice; 1674

(25) Termination or suspension from participation in the 1675
medicare or medicaid programs by the department of health and 1676
human services or other responsible agency; 1677

(26) Impairment of ability to practice according to 1678
acceptable and prevailing standards of care because of habitual or 1679
excessive use or abuse of drugs, alcohol, or other substances that 1680
impair ability to practice. 1681

For the purposes of this division, any individual authorized 1682
to practice by this chapter accepts the privilege of practicing in 1683
this state subject to supervision by the board. By filing an 1684
application for or holding a license or certificate to practice 1685
under this chapter, an individual shall be deemed to have given 1686
consent to submit to a mental or physical examination when ordered 1687
to do so by the board in writing, and to have waived all 1688
objections to the admissibility of testimony or examination 1689
reports that constitute privileged communications. 1690

If it has reason to believe that any individual authorized to 1691

practice by this chapter or any applicant for licensure or 1692
 certification to practice suffers such impairment, the board may 1693
 compel the individual to submit to a mental or physical 1694
 examination, or both. The expense of the examination is the 1695
 responsibility of the individual compelled to be examined. Any 1696
 mental or physical examination required under this division shall 1697
 be undertaken by a treatment provider or physician who is 1698
 qualified to conduct the examination and who is chosen by the 1699
 board. 1700

Failure to submit to a mental or physical examination ordered 1701
 by the board constitutes an admission of the allegations against 1702
 the individual unless the failure is due to circumstances beyond 1703
 the individual's control, and a default and final order may be 1704
 entered without the taking of testimony or presentation of 1705
 evidence. If the board determines that the individual's ability to 1706
 practice is impaired, the board shall suspend the individual's 1707
 license or certificate or deny the individual's application and 1708
 shall require the individual, as a condition for initial, 1709
 continued, reinstated, or renewed licensure or certification to 1710
 practice, to submit to treatment. 1711

Before being eligible to apply for reinstatement of a license 1712
 or certificate suspended under this division, the impaired 1713
 practitioner shall demonstrate to the board the ability to resume 1714
 practice in compliance with acceptable and prevailing standards of 1715
 care under the provisions of the practitioner's license or 1716
 certificate. The demonstration shall include, but shall not be 1717
 limited to, the following: 1718

(a) Certification from a treatment provider approved under 1719
 section 4731.25 of the Revised Code that the individual has 1720
 successfully completed any required inpatient treatment; 1721

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 1722
1723

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination. 1724
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The board may reinstate a license or certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement. 1730
1731
1732

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety. 1733
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(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code; 1742
1743

(28) Except as provided in division (N) of this section: 1744

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual; 1745
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(b) Advertising that the individual will waive the payment of 1751
 all or any part of a deductible or copayment that a patient, 1752
 pursuant to a health insurance or health care policy, contract, or 1753
 plan that covers the individual's services, otherwise would be 1754
 required to pay. 1755

(29) Failure to use universal blood and body fluid 1756
 precautions established by rules adopted under section 4731.051 of 1757
 the Revised Code; 1758

(30) Failure to provide notice to, and receive acknowledgment 1759
 of the notice from, a patient when required by section 4731.143 of 1760
 the Revised Code prior to providing nonemergency professional 1761
 services, or failure to maintain that notice in the patient's 1762
 medical record; 1763

(31) Failure of a physician supervising a physician assistant 1764
 to maintain supervision in accordance with the requirements of 1765
 Chapter 4730. of the Revised Code and the rules adopted under that 1766
 chapter; 1767

(32) Failure of a physician or podiatrist to enter into a 1768
 standard care arrangement with a clinical nurse specialist, 1769
 certified nurse-midwife, or certified nurse practitioner with whom 1770
 the physician or podiatrist is in collaboration pursuant to 1771
 section 4731.27 of the Revised Code or failure to fulfill the 1772
 responsibilities of collaboration after entering into a standard 1773
 care arrangement; 1774

(33) Failure to comply with the terms of a consult agreement 1775
 entered into with a pharmacist pursuant to section 4729.39 of the 1776
 Revised Code; 1777

(34) Failure to cooperate in an investigation conducted by 1778
 the board under division (F) of this section, including failure to 1779

comply with a subpoena or order issued by the board or failure to	1780
answer truthfully a question presented by the board in an	1781
investigative interview, an investigative office conference, at a	1782
deposition, or in written interrogatories, except that failure to	1783
cooperate with an investigation shall not constitute grounds for	1784
discipline under this section if a court of competent jurisdiction	1785
has issued an order that either quashes a subpoena or permits the	1786
individual to withhold the testimony or evidence in issue;	1787
(35) Failure to supervise an acupuncturist in accordance with	1788
Chapter 4762. of the Revised Code and the board's rules for	1789
providing that supervision;	1790
(36) Failure to supervise an anesthesiologist assistant in	1791
accordance with Chapter 4760. of the Revised Code and the board's	1792
rules for supervision of an anesthesiologist assistant;	1793
(37) Assisting suicide, as defined in section 3795.01 of the	1794
Revised Code;	1795
(38) Failure to comply with the requirements of section	1796
2317.561 of the Revised Code;	1797
(39) Failure to supervise a radiologist assistant in	1798
accordance with Chapter 4774. of the Revised Code and the board's	1799
rules for supervision of radiologist assistants;	1800
(40) Performing or inducing an abortion at an office or	1801
facility with knowledge that the office or facility fails to post	1802
the notice required under section 3701.791 of the Revised Code;	1803
(41) Failure to comply with the standards and procedures	1804
established in rules under section 4731.054 of the Revised Code	1805
for the operation of or the provision of care at a pain management	1806
clinic;	1807
(42) Failure to comply with the standards and procedures	1808

established in rules under section 4731.054 of the Revised Code	1809
for providing supervision, direction, and control of individuals	1810
at a pain management clinic;	1811
(43) Failure to comply with the requirements of section	1812
4729.79 or 4731.055 of the Revised Code, unless the state board of	1813
pharmacy no longer maintains a drug database pursuant to section	1814
4729.75 of the Revised Code;	1815
(44) Failure to comply with the requirements of section	1816
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	1817
submit to the department of health in accordance with a court	1818
order a complete report as described in section 2919.171 or	1819
2919.202 of the Revised Code;	1820
(45) Practicing at a facility that is subject to licensure as	1821
a category III terminal distributor of dangerous drugs with a pain	1822
management clinic classification unless the person operating the	1823
facility has obtained and maintains the license with the	1824
classification;	1825
(46) Owning a facility that is subject to licensure as a	1826
category III terminal distributor of dangerous drugs with a pain	1827
management clinic classification unless the facility is licensed	1828
with the classification;	1829
(47) Failure to comply with any of the requirements regarding	1830
making or maintaining medical records or documents described in	1831
division (A) of section 2919.192, division (C) of section	1832
2919.193, division (B) of section 2919.195, or division (A) of	1833
section 2919.196 of the Revised Code;	1834
(48) Failure to comply with the requirements in section	1835
3719.061 of the Revised Code before issuing for a minor a	1836
prescription for an opioid analgesic, as defined in section	1837

3719.01 of the Revised Code;	1838
(49) Failure to comply with the requirements of section	1839
4731.30 of the Revised Code or rules adopted under section	1840
4731.301 of the Revised Code when recommending treatment with	1841
medical marijuana;	1842
(50) Practicing at a facility, clinic, or other location that	1843
is subject to licensure as a category III terminal distributor of	1844
dangerous drugs with an office-based opioid treatment	1845
classification unless the person operating that place has obtained	1846
and maintains the license with the classification;	1847
(51) Owning a facility, clinic, or other location that is	1848
subject to licensure as a category III terminal distributor of	1849
dangerous drugs with an office-based opioid treatment	1850
classification unless that place is licensed with the	1851
classification;	1852
(52) A pattern of continuous or repeated violations of	1853
division (E)(2) or (3) of section 3963.02 of the Revised Code.	1854
(C) Disciplinary actions taken by the board under divisions	1855
(A) and (B) of this section shall be taken pursuant to an	1856
adjudication under Chapter 119. of the Revised Code, except that	1857
in lieu of an adjudication, the board may enter into a consent	1858
agreement with an individual to resolve an allegation of a	1859
violation of this chapter or any rule adopted under it. A consent	1860
agreement, when ratified by an affirmative vote of not fewer than	1861
six members of the board, shall constitute the findings and order	1862
of the board with respect to the matter addressed in the	1863
agreement. If the board refuses to ratify a consent agreement, the	1864
admissions and findings contained in the consent agreement shall	1865
be of no force or effect.	1866

A telephone conference call may be utilized for ratification 1867
of a consent agreement that revokes or suspends an individual's 1868
license or certificate to practice or certificate to recommend. 1869
The telephone conference call shall be considered a special 1870
meeting under division (F) of section 121.22 of the Revised Code. 1871

If the board takes disciplinary action against an individual 1872
under division (B) of this section for a second or subsequent plea 1873
of guilty to, or judicial finding of guilt of, a violation of 1874
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 1875
action shall consist of a suspension of the individual's license 1876
or certificate to practice for a period of at least one year or, 1877
if determined appropriate by the board, a more serious sanction 1878
involving the individual's license or certificate to practice. Any 1879
consent agreement entered into under this division with an 1880
individual that pertains to a second or subsequent plea of guilty 1881
to, or judicial finding of guilt of, a violation of that section 1882
shall provide for a suspension of the individual's license or 1883
certificate to practice for a period of at least one year or, if 1884
determined appropriate by the board, a more serious sanction 1885
involving the individual's license or certificate to practice. 1886

(D) For purposes of divisions (B)(10), (12), and (14) of this 1887
section, the commission of the act may be established by a finding 1888
by the board, pursuant to an adjudication under Chapter 119. of 1889
the Revised Code, that the individual committed the act. The board 1890
does not have jurisdiction under those divisions if the trial 1891
court renders a final judgment in the individual's favor and that 1892
judgment is based upon an adjudication on the merits. The board 1893
has jurisdiction under those divisions if the trial court issues 1894
an order of dismissal upon technical or procedural grounds. 1895

(E) The sealing of conviction records by any court shall have 1896

no effect upon a prior board order entered under this section or 1897
upon the board's jurisdiction to take action under this section 1898
if, based upon a plea of guilty, a judicial finding of guilt, or a 1899
judicial finding of eligibility for intervention in lieu of 1900
conviction, the board issued a notice of opportunity for a hearing 1901
prior to the court's order to seal the records. The board shall 1902
not be required to seal, destroy, redact, or otherwise modify its 1903
records to reflect the court's sealing of conviction records. 1904

(F)(1) The board shall investigate evidence that appears to 1905
show that a person has violated any provision of this chapter or 1906
any rule adopted under it. Any person may report to the board in a 1907
signed writing any information that the person may have that 1908
appears to show a violation of any provision of this chapter or 1909
any rule adopted under it. In the absence of bad faith, any person 1910
who reports information of that nature or who testifies before the 1911
board in any adjudication conducted under Chapter 119. of the 1912
Revised Code shall not be liable in damages in a civil action as a 1913
result of the report or testimony. Each complaint or allegation of 1914
a violation received by the board shall be assigned a case number 1915
and shall be recorded by the board. 1916

(2) Investigations of alleged violations of this chapter or 1917
any rule adopted under it shall be supervised by the supervising 1918
member elected by the board in accordance with section 4731.02 of 1919
the Revised Code and by the secretary as provided in section 1920
4731.39 of the Revised Code. The president may designate another 1921
member of the board to supervise the investigation in place of the 1922
supervising member. No member of the board who supervises the 1923
investigation of a case shall participate in further adjudication 1924
of the case. 1925

(3) In investigating a possible violation of this chapter or 1926

any rule adopted under this chapter, or in conducting an 1927
inspection under division (E) of section 4731.054 of the Revised 1928
Code, the board may question witnesses, conduct interviews, 1929
administer oaths, order the taking of depositions, inspect and 1930
copy any books, accounts, papers, records, or documents, issue 1931
subpoenas, and compel the attendance of witnesses and production 1932
of books, accounts, papers, records, documents, and testimony, 1933
except that a subpoena for patient record information shall not be 1934
issued without consultation with the attorney general's office and 1935
approval of the secretary and supervising member of the board. 1936

(a) Before issuance of a subpoena for patient record 1937
information, the secretary and supervising member shall determine 1938
whether there is probable cause to believe that the complaint 1939
filed alleges a violation of this chapter or any rule adopted 1940
under it and that the records sought are relevant to the alleged 1941
violation and material to the investigation. The subpoena may 1942
apply only to records that cover a reasonable period of time 1943
surrounding the alleged violation. 1944

(b) On failure to comply with any subpoena issued by the 1945
board and after reasonable notice to the person being subpoenaed, 1946
the board may move for an order compelling the production of 1947
persons or records pursuant to the Rules of Civil Procedure. 1948

(c) A subpoena issued by the board may be served by a 1949
sheriff, the sheriff's deputy, or a board employee or agent 1950
designated by the board. Service of a subpoena issued by the board 1951
may be made by delivering a copy of the subpoena to the person 1952
named therein, reading it to the person, or leaving it at the 1953
person's usual place of residence, usual place of business, or 1954
address on file with the board. When serving a subpoena to an 1955
applicant for or the holder of a license or certificate issued 1956

under this chapter, service of the subpoena may be made by 1957
 certified mail, return receipt requested, and the subpoena shall 1958
 be deemed served on the date delivery is made or the date the 1959
 person refuses to accept delivery. If the person being served 1960
 refuses to accept the subpoena or is not located, service may be 1961
 made to an attorney who notifies the board that the attorney is 1962
 representing the person. 1963

(d) A sheriff's deputy who serves a subpoena shall receive 1964
 the same fees as a sheriff. Each witness who appears before the 1965
 board in obedience to a subpoena shall receive the fees and 1966
 mileage provided for under section 119.094 of the Revised Code. 1967

(4) All hearings, investigations, and inspections of the 1968
 board shall be considered civil actions for the purposes of 1969
 section 2305.252 of the Revised Code. 1970

(5) A report required to be submitted to the board under this 1971
 chapter, a complaint, or information received by the board 1972
 pursuant to an investigation or pursuant to an inspection under 1973
 division (E) of section 4731.054 of the Revised Code is 1974
 confidential and not subject to discovery in any civil action. 1975

The board shall conduct all investigations or inspections and 1976
 proceedings in a manner that protects the confidentiality of 1977
 patients and persons who file complaints with the board. The board 1978
 shall not make public the names or any other identifying 1979
 information about patients or complainants unless proper consent 1980
 is given or, in the case of a patient, a waiver of the patient 1981
 privilege exists under division (B) of section 2317.02 of the 1982
 Revised Code, except that consent or a waiver of that nature is 1983
 not required if the board possesses reliable and substantial 1984
 evidence that no bona fide physician-patient relationship exists. 1985

The board may share any information it receives pursuant to 1986

an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case. 2017

The report shall state how many cases are still pending and 2018
shall be prepared in a manner that protects the identity of each 2019
person involved in each case. The report shall be a public record 2020
under section 149.43 of the Revised Code. 2021

(G) If the secretary and supervising member determine both of 2022
the following, they may recommend that the board suspend an 2023
individual's license or certificate to practice or certificate to 2024
recommend without a prior hearing: 2025

(1) That there is clear and convincing evidence that an 2026
individual has violated division (B) of this section; 2027

(2) That the individual's continued practice presents a 2028
danger of immediate and serious harm to the public. 2029

Written allegations shall be prepared for consideration by 2030
the board. The board, upon review of those allegations and by an 2031
affirmative vote of not fewer than six of its members, excluding 2032
the secretary and supervising member, may suspend a license or 2033
certificate without a prior hearing. A telephone conference call 2034
may be utilized for reviewing the allegations and taking the vote 2035
on the summary suspension. 2036

The board shall issue a written order of suspension by 2037
certified mail or in person in accordance with section 119.07 of 2038
the Revised Code. The order shall not be subject to suspension by 2039
the court during pendency of any appeal filed under section 119.12 2040
of the Revised Code. If the individual subject to the summary 2041
suspension requests an adjudicatory hearing by the board, the date 2042
set for the hearing shall be within fifteen days, but not earlier 2043
than seven days, after the individual requests the hearing, unless 2044
otherwise agreed to by both the board and the individual. 2045

Any summary suspension imposed under this division shall 2046
 remain in effect, unless reversed on appeal, until a final 2047
 adjudicative order issued by the board pursuant to this section 2048
 and Chapter 119. of the Revised Code becomes effective. The board 2049
 shall issue its final adjudicative order within seventy-five days 2050
 after completion of its hearing. A failure to issue the order 2051
 within seventy-five days shall result in dissolution of the 2052
 summary suspension order but shall not invalidate any subsequent, 2053
 final adjudicative order. 2054

(H) If the board takes action under division (B)(9), (11), or 2055
 (13) of this section and the judicial finding of guilt, guilty 2056
 plea, or judicial finding of eligibility for intervention in lieu 2057
 of conviction is overturned on appeal, upon exhaustion of the 2058
 criminal appeal, a petition for reconsideration of the order may 2059
 be filed with the board along with appropriate court documents. 2060
 Upon receipt of a petition of that nature and supporting court 2061
 documents, the board shall reinstate the individual's license or 2062
 certificate to practice. The board may then hold an adjudication 2063
 under Chapter 119. of the Revised Code to determine whether the 2064
 individual committed the act in question. Notice of an opportunity 2065
 for a hearing shall be given in accordance with Chapter 119. of 2066
 the Revised Code. If the board finds, pursuant to an adjudication 2067
 held under this division, that the individual committed the act or 2068
 if no hearing is requested, the board may order any of the 2069
 sanctions identified under division (B) of this section. 2070

(I) The license or certificate to practice issued to an 2071
 individual under this chapter and the individual's practice in 2072
 this state are automatically suspended as of the date of the 2073
 individual's second or subsequent plea of guilty to, or judicial 2074
 finding of guilt of, a violation of section 2919.123 or 2919.124 2075
 of the Revised Code. In addition, the license or certificate to 2076

practice or certificate to recommend issued to an individual under 2077
this chapter and the individual's practice in this state are 2078
automatically suspended as of the date the individual pleads 2079
guilty to, is found by a judge or jury to be guilty of, or is 2080
subject to a judicial finding of eligibility for intervention in 2081
lieu of conviction in this state or treatment or intervention in 2082
lieu of conviction in another jurisdiction for any of the 2083
following criminal offenses in this state or a substantially 2084
equivalent criminal offense in another jurisdiction: aggravated 2085
murder, murder, voluntary manslaughter, felonious assault, 2086
kidnapping, rape, sexual battery, gross sexual imposition, 2087
aggravated arson, aggravated robbery, or aggravated burglary. 2088
Continued practice after suspension shall be considered practicing 2089
without a license or certificate. 2090

The board shall notify the individual subject to the 2091
suspension by certified mail or in person in accordance with 2092
section 119.07 of the Revised Code. If an individual whose license 2093
or certificate is automatically suspended under this division 2094
fails to make a timely request for an adjudication under Chapter 2095
119. of the Revised Code, the board shall do whichever of the 2096
following is applicable: 2097

(1) If the automatic suspension under this division is for a 2098
second or subsequent plea of guilty to, or judicial finding of 2099
guilt of, a violation of section 2919.123 or 2919.124 of the 2100
Revised Code, the board shall enter an order suspending the 2101
individual's license or certificate to practice for a period of at 2102
least one year or, if determined appropriate by the board, 2103
imposing a more serious sanction involving the individual's 2104
license or certificate to practice. 2105

(2) In all circumstances in which division (I)(1) of this 2106

section does not apply, enter a final order permanently revoking
the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised
Code to give notice of an opportunity for a hearing and if the
individual subject to the notice does not timely request a hearing
in accordance with section 119.07 of the Revised Code, the board
is not required to hold a hearing, but may adopt, by an
affirmative vote of not fewer than six of its members, a final
order that contains the board's findings. In that final order, the
board may order any of the sanctions identified under division (A)
or (B) of this section.

(K) Any action taken by the board under division (B) of this
section resulting in a suspension from practice shall be
accompanied by a written statement of the conditions under which
the individual's license or certificate to practice may be
reinstated. The board shall adopt rules governing conditions to be
imposed for reinstatement. Reinstatement of a license or
certificate suspended pursuant to division (B) of this section
requires an affirmative vote of not fewer than six members of the
board.

(L) When the board refuses to grant or issue a license or
certificate to practice to an applicant, revokes an individual's
license or certificate to practice, refuses to renew an
individual's license or certificate to practice, or refuses to
reinstate an individual's license or certificate to practice, the
board may specify that its action is permanent. An individual
subject to a permanent action taken by the board is forever
thereafter ineligible to hold a license or certificate to practice
and the board shall not accept an application for reinstatement of
the license or certificate or for issuance of a new license or

certificate.	2137
(M) Notwithstanding any other provision of the Revised Code,	2138
all of the following apply:	2139
(1) The surrender of a license or certificate issued under	2140
this chapter shall not be effective unless or until accepted by	2141
the board. A telephone conference call may be utilized for	2142
acceptance of the surrender of an individual's license or	2143
certificate to practice. The telephone conference call shall be	2144
considered a special meeting under division (F) of section 121.22	2145
of the Revised Code. Reinstatement of a license or certificate	2146
surrendered to the board requires an affirmative vote of not fewer	2147
than six members of the board.	2148
(2) An application for a license or certificate made under	2149
the provisions of this chapter may not be withdrawn without	2150
approval of the board.	2151
(3) Failure by an individual to renew a license or	2152
certificate to practice in accordance with this chapter or a	2153
certificate to recommend in accordance with rules adopted under	2154
section 4731.301 of the Revised Code shall not remove or limit the	2155
board's jurisdiction to take any disciplinary action under this	2156
section against the individual.	2157
(4) At the request of the board, a license or certificate	2158
holder shall immediately surrender to the board a license or	2159
certificate that the board has suspended, revoked, or permanently	2160
revoked.	2161
(N) Sanctions shall not be imposed under division (B)(28) of	2162
this section against any person who waives deductibles and	2163
copayments as follows:	2164
(1) In compliance with the health benefit plan that expressly	2165

allows such a practice. Waiver of the deductibles or copayments 2166
 shall be made only with the full knowledge and consent of the plan 2167
 purchaser, payer, and third-party administrator. Documentation of 2168
 the consent shall be made available to the board upon request. 2169

(2) For professional services rendered to any other person 2170
 authorized to practice pursuant to this chapter, to the extent 2171
 allowed by this chapter and rules adopted by the board. 2172

(0) Under the board's investigative duties described in this 2173
 section and subject to division (F) of this section, the board 2174
 shall develop and implement a quality intervention program 2175
 designed to improve through remedial education the clinical and 2176
 communication skills of individuals authorized under this chapter 2177
 to practice medicine and surgery, osteopathic medicine and 2178
 surgery, and podiatric medicine and surgery. In developing and 2179
 implementing the quality intervention program, the board may do 2180
 all of the following: 2181

(1) Offer in appropriate cases as determined by the board an 2182
 educational and assessment program pursuant to an investigation 2183
 the board conducts under this section; 2184

(2) Select providers of educational and assessment services, 2185
 including a quality intervention program panel of case reviewers; 2186

(3) Make referrals to educational and assessment service 2187
 providers and approve individual educational programs recommended 2188
 by those providers. The board shall monitor the progress of each 2189
 individual undertaking a recommended individual educational 2190
 program. 2191

(4) Determine what constitutes successful completion of an 2192
 individual educational program and require further monitoring of 2193
 the individual who completed the program or other action that the 2194

board determines to be appropriate; 2195

(5) Adopt rules in accordance with Chapter 119. of the 2196
 Revised Code to further implement the quality intervention 2197
 program. 2198

An individual who participates in an individual educational 2199
 program pursuant to this division shall pay the financial 2200
 obligations arising from that educational program. 2201

(P) The board shall not refuse to issue a license to an 2202
 applicant because of a conviction, plea of guilty, judicial 2203
 finding of guilt, judicial finding of eligibility for intervention 2204
 in lieu of conviction, or the commission of an act that 2205
 constitutes a criminal offense, unless the refusal is in 2206
 accordance with section 9.79 of the Revised Code." 2207

In line 70852, after "2151.416," insert "2151.421," 2208

In line 70891, after "4713.02," insert "4729.80, 4729.86,"; 2209
 after "4730.43," insert "4731.22," 2210

After line 89456, insert: 2211

"Section 2151.421 of the Revised Code as amended by H.B. 24, 2212
 H.B. 33, and H.B. 166, all of the 133rd General Assembly." 2213

After line 89476, insert: 2214

"Section 4731.22 of the Revised Code as amended by H.B. 263, 2215
 H.B. 442, and S.B. 260, all of the 133rd General Assembly." 2216

The motion was _____ agreed to.

SYNOPSIS

Drug overdose fatality review committees; Suicide fatality 2217

review committees	2218
R.C. 121.22, 307.631, 307.632, 307.633, 307.634, 307.635,	2219
307.636, 307.637, 307.638, 307.639, 307.641, 307.642, 307.643,	2220
307.644, 307.645, 307.646, 307.647, 307.648, 307.649, 307.6410,	2221
2151.421, 3701.0410, 3701.0411, 4729.80, 4729.86, and 4731.22	2222
Authorizes the establishment of both of the following to	2223
review drug overdose and opioid-involved deaths or suicide deaths	2224
occurring in the county or region: (1) county or regional drug	2225
overdose fatality review committees and (2) county or regional	2226
suicide fatality review committees.	2227
Also authorizes the establishment of a hybrid committee	2228
rather than two separate committees in order to review the deaths.	2229
Requires each review committee that is established to collect	2230
certain information concerning the deaths, review the information,	2231
and submit annual reports to the Ohio Department of Health.	2232
Requires specified individuals or entities that provided	2233
services to a person whose death is reviewed by a committee to	2234
submit summary sheets of information to the committee.	2235
Provides that records presented to a review committee,	2236
statements made by committee members, committee work products, and	2237
data submitted to the Department, other than annual reports, are	2238
confidential and to be used by the review committee, its members,	2239
and the Department only in the exercise of the committee's or	2240
Department's proper functions.	2241
Grants immunity from civil liability to committee members and	2242
any individual or entity providing information to a committee.	2243
Requires the Department to adopt rules establishing	2244
procedures for a committee to follow in conducting reviews of	2245
deaths.	2246

_____ moved to amend as follows:

1 In line 56153, after "(C)" insert "(1)"

2 After line 56164, insert:

3 "(2) Notwithstanding sections 5123.043, 5123.196, and
4 5123.197 of the Revised Code and rules adopted under section
5 5123.04 of the Revised Code, the director shall issue a new
6 license for a residential facility if the facility meets the
7 following conditions:

8 (a) The residential facility will be certified as an
9 ICF/IID;

10 (b) The building in which the residential facility will be
11 operated was operated as a residential facility under a lease
12 for not fewer than twenty years before the date of application
13 for a new license;

14 (c) The former operator of the residential facility
15 relocated the beds previously in the facility to another site
16 that will be licensed as a residential facility;

17 (d) The residential facility will be located in Preble,
18 Clermont, or Warren county;

19 (e) The residential facility will contain eight beds;

20 (f) The licensee will make a good faith effort to serve
21 multi-system youth or adults with severe behavioral challenges
22 at the residential facility or at one or more other residential
23 facilities for which licenses are issued under division (C) of
24 this section.

25 (3) The director shall issue not more than five licenses
26 under division (C) (2) of this section."

27 Delete lines 56377 through 56397

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Transfer of residential facility license**

31 **R.C. 5123.19**

32 Removes House-added provisions that applied to residential
33 facilities that (1) were leased by the operator between July 1,
34 1995, and July 1, 1996, and (2) have been operating without a
35 lease agreement for at least four years and would have:

36 --Provided that a lease that specifies the location of such
37 a residential facility is not transferrable to a different
38 location if the licensee is not the owner of the building where
39 the residential facility is located;

40 --Specified that if the licensee no longer operates the
41 residential facility at the location specified in the license,
42 the building owner is permitted to request ODODD to transfer the
43 license to a different licensee or contractor that is willing to
44 operate the facility at that location.

45 Instead, provides that the ODODD Director must grant a new
46 license for a residential facility that:

47 --Is certified as an ICF/IID;

SC3828

48 --The building was operated as a residential facility for
49 at least 20 years before the date of application for the new
50 license;

51 --The former operator relocated the beds previously in the
52 facility to another licensed residential facility;

53 --The residential facility is located in Preble, Claremont,
54 or Warren County;

55 --The residential facility will contain eight beds;

56 --The licensee will make a good faith effort to serve
57 multi-system youth or adults with severe challenges.

58 Limits the ODODD Director to issuing no more than 5 such
59 licenses.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

- In line 96 of the title, after "5101.341," insert "5101.54," 1
- In line 133 of the title, after "124.1312," insert "125.70," 2
- In line 147 of the title, after "3902.72," insert "4141.286," 3
- In line 148 of the title, after "4779.281," insert "5101.04,
5101.041," 4
5
- In line 149 of the title, after "5101.545," insert "5101.546,
5101.547, 5101.548," 6
7
- In line 150 of the title, after "5119.191," insert
"5120.212," 8
9
- In line 151 of the title, after "5162.82," insert "5163.52," 10
- In line 282, after "5101.341," insert "5101.54," 11
- In line 310, after "124.1312," insert "125.70," 12
- In line 321, after "3902.72," insert "4141.286," 13
- In line 322, after "4779.281," insert "5101.04, 5101.041, ";
after "5101.545," insert "5101.546, 5101.547, 5101.548," 14
15
- In line 323, after "5119.191," insert "5120.212," 16
- In line 324, after "5162.82," insert "5163.52," 17
- After line 7644, insert: 18

"Sec. 125.70. The department of administrative services shall 19
work with the departments of job and family services and medicaid 20
to deploy private sector tools for digital identity management, 21
authentication, and verification for individuals receiving 22
medicaid benefits, supplemental nutrition assistance program 23
benefits, or benefits funded by the temporary assistance for needy 24
families block grant. These private sector tools shall include 25
joining available multistate cooperatives to identify individuals 26
enrolled in public assistance programs, including the national 27
accuracy clearinghouse for the supplemental nutrition assistance 28
program, as well as other multi-state collaborative efforts to 29
share enrollment information across state lines and avoid public 30
assistance benefit duplication." 31

After line 46454, insert: 32

"Sec. 4141.286. When determining whether an application for 33
determination of benefit rights is valid or determining whether a 34
first claim or additional claim for benefits allows a claimant to 35
qualify for benefits, in addition to other information available, 36
the director of job and family services shall do all of the 37
following: 38

(A) Check the new hires directory maintained by the 39
department of job and family services under section 3121.894 of 40
the Revised Code for a new hire report applicable to the claimant; 41

(B) Check the information in the national directory of new 42
hires that is made available to the director under section 453 of 43
the "Social Security Act," 42 U.S.C. 653, for the purpose of 44
administering this chapter; 45

(C) Check the integrity data hub maintained by the national 46

association of state workforce agencies or a similar database
maintained by a successor organization."

After line 52972, insert:

"Sec. 5101.04. Notwithstanding any provision of law or
regulation to the contrary, in order to improve the timeliness of
public assistance benefit deliveries, to maximize operational
efficiencies, increase cost savings, and minimize fraud, the
department of job and family services may contract with a
third-party commercial consumer reporting agency, in accordance
with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for
the purpose of assisting the department with eligibility
determinations for supplemental nutrition assistance supplemental
program benefits, benefits funded by the temporary assistance for
needy families block grant, and unemployment compensation
benefits. The department shall undertake efforts to incorporate
real-time employment and income information into existing
verification and eligibility determination procedures.

Sec. 5101.041. (A) The director of job and family services
shall enter into the following data matching agreements:

(1) An agreement with the department of rehabilitation and
correction, under which the director of rehabilitation and
correction is required to provide the director of job and family
services with a searchable list, updated weekly, identifying all
persons committed to the several institutions governed by the
department of rehabilitation and correction.

(2) Agreements with the director of the state lottery
commission and executive director of the Ohio casino control
commission, under which the director and executive director

provide the director of job and family services with a searchable list identifying all individuals with substantial lottery or gambling winnings. The director of job and family services shall check the list at least monthly to determine if the information affects any public assistance recipient's eligibility.

(3) An agreement with the director of health, under which the director of health is required to provide the director of job and family services with a searchable list identifying new and updated vital statistics records, including death records. The director of job and family services shall check the list at least monthly for vital statistics records involving public assistance recipients that may affect a recipient's eligibility.

(B) The agreements required by division (A) of this section shall describe the manner in which each agency is to report the information to the department of job and family services."

After line 53450, insert:

"**Sec. 5101.54.** (A) The director of job and family services shall administer the supplemental nutrition assistance program in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). The department of job and family services may:

(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the supplemental nutrition assistance program;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and

advisable;	103
(4) Administer and expend any sums appropriated by the	104
general assembly for the purposes of the supplemental nutrition	105
assistance program and all sums paid to the state by the United	106
States as authorized by the Food and Nutrition Act of 2008;	107
(5) Conduct such investigations as are necessary;	108
(6) Enter into interagency agreements and cooperate with	109
investigations conducted by the department of public safety,	110
including providing information for investigative purposes,	111
exchanging property and records, passing through federal financial	112
participation, modifying any agreements with the United States	113
department of agriculture, providing for the supply, security, and	114
accounting of supplemental nutrition assistance program benefits	115
for investigative purposes, and meeting any other requirements	116
necessary for the detection and deterrence of illegal activities	117
in the supplemental nutrition assistance program;	118
(7) Adopt rules in accordance with Chapter 119. of the	119
Revised Code governing employment and training requirements of	120
recipients of supplemental nutrition assistance program benefits,	121
including rules specifying which recipients are subject to the	122
requirements and establishing sanctions for failure to satisfy the	123
requirements. <u>The rules shall require cooperation with the child</u>	124
<u>support enforcement program, to be verified as part of the</u>	125
<u>requirement to fulfill individual employment and training</u>	126
<u>programs. The rules shall be consistent with sections 5101.546 to</u>	127
<u>5101.548 of the Revised Code.</u> The rules shall be consistent with 7	128
U.S.C. 2015, including its work and employment and training	129
requirements, and, to the extent practicable, shall provide for	130
the recipients to participate in work activities, developmental	131
activities, and alternative work activities described in sections	132

5107.40 to 5107.69 of the Revised Code that are comparable to 133
 programs authorized by 7 U.S.C. 2015(d)(4). The rules may 134
 reference rules adopted under section 5107.05 of the Revised Code 135
 governing work activities, developmental activities, and 136
 alternative work activities described in sections 5107.40 to 137
 5107.69 of the Revised Code. 138

(8) ~~Adopt~~ Subject to sections 5101.546 to 5101.548 of the 139
Revised Code, rules in accordance with section 111.15 of the 140
 Revised Code that are consistent with the Food and Nutrition Act 141
 of 2008, the regulations adopted thereunder, and this section 142
 governing the following: 143

(a) Eligibility requirements for the supplemental nutrition 144
 assistance program; 145

(b) Sanctions for failure to comply with eligibility 146
 requirements; 147

(c) Allotment of supplemental nutrition assistance program 148
 benefits; 149

(d) To the extent permitted under federal statutes and 150
 regulations, a system under which some or all recipients of 151
 supplemental nutrition assistance program benefits subject to 152
 employment and training requirements established by rules adopted 153
 under division (A)(7) of this section receive the benefits after 154
 satisfying the requirements; 155

(e) Administration of the program by county departments of 156
 job and family services; 157

(f) Other requirements necessary for the efficient 158
 administration of the program. 159

(9) Submit a plan to the United States secretary of 160
 agriculture for the department of job and family services to 161

operate a simplified supplemental nutrition assistance program 162
pursuant to 7 U.S.C. 2035 under which requirements governing the 163
Ohio works first program established under Chapter 5107. of the 164
Revised Code also govern the supplemental nutrition assistance 165
program in the case of households receiving supplemental nutrition 166
assistance program benefits and participating in Ohio works first. 167

(10) Collect information on suspicious electronic benefit 168
transfer card transactions and provide the information to each 169
impacted county department for analysis and investigation. Such 170
information shall include transactions of even dollar amounts, 171
full monthly benefit amounts, multiple same-day transactions, 172
out-of-state transactions, and any other suspicious trends. 173

(B) A household that is entitled to receive supplemental 174
nutrition assistance program benefits and that is determined to be 175
in immediate need of nutrition assistance shall receive 176
certification of eligibility for program benefits, pending 177
verification, within twenty-four hours, or, if mitigating 178
circumstances occur, within seventy-two hours, after application, 179
if: 180

(1) The results of the application interview indicate that 181
the household will be eligible upon full verification; 182

(2) Information sufficient to confirm the statements in the 183
application has been obtained from at least one additional source, 184
not a member of the applicant's household. Such information shall 185
be recorded in the case file and shall include: 186

(a) The name of the person who provided the name of the 187
information source; 188

(b) The name and address of the information source; 189

(c) A summary of the information obtained. 190

The period of temporary eligibility shall not exceed one 191
 month from the date of certification of temporary eligibility. If 192
 eligibility is established by full verification, benefits shall 193
 continue without interruption as long as eligibility continues. 194

There is no limit on the number of times a household may 195
 receive expedited certification of eligibility under this division 196
 as long as before each expedited certification all of the 197
 information identified in division (F)(1) of this section was 198
 verified for the household at the last expedited certification or 199
 the household's eligibility was certified under normal processing 200
 standards since the last expedited certification. 201

At the time of application, the county department of job and 202
 family services shall provide to a household described in this 203
 division a list of community assistance programs that provide 204
 emergency food. 205

(C) Before certifying supplemental nutrition assistance 206
 program benefits, the department shall verify the eligibility of 207
 each household in accordance with division (F) of this section. 208
 All applications shall be approved or denied through full 209
 verification within thirty days from receipt of the application by 210
 the county department of job and family services. 211

(D) Nothing in this section shall be construed to prohibit 212
 the certification of households that qualify under federal 213
 regulations to receive supplemental nutrition assistance program 214
 benefits without charge under the Food and Nutrition Act of 2008. 215

(E) Any person who applies for the supplemental nutrition 216
 assistance program shall receive a voter registration application 217
 under section 3503.10 of the Revised Code. 218

(F)(1) In order to verify household eligibility as required 219

by federal regulations and this section, the department shall,	220
except as provided in division (F)(2) of this section, verify at	221
least the following information before certifying supplemental	222
nutrition assistance program benefits:	223
(a) Household composition;	224
(b) Identity;	225
(c) Citizenship and alien eligibility status;	226
(d) Social security numbers;	227
(e) State residency status;	228
(f) Disability status;	229
(g) Gross nonexempt income;	230
(h) Utility expenses;	231
(i) Medical expenses;	232
(j) Enrollment status in other state-administered public	233
assistance programs within and outside this state;	234
(k) Any available information related to potential identity	235
fraud or identity theft.	236
(2) A household's eligibility for supplemental nutrition	237
assistance program benefits may be certified before all of the	238
information identified in division (F)(1) of this section is	239
verified if the household's certification is being expedited under	240
division (B) of this section.	241
(3) On at least a quarterly basis and consistent with federal	242
regulations, as information is received by a county department of	243
job and family services, the county department shall review and	244
act on information identified in division (F)(1) of this section	245
that indicates a change in circumstances that may affect	246

eligibility, to the extent such information is available to the 247
department. 248

(4) Consistent with federal regulations, as part of the 249
application for public assistance and before certifying benefits 250
under the supplemental nutrition assistance program, the 251
department shall require an applicant, or a person acting on the 252
applicant's behalf, to verify the identity of the members of the 253
applicant household. 254

(5)(a) The department shall sign a memorandum of 255
understanding with any department, agency, or division as needed 256
to obtain the information identified in division (F)(1) of this 257
section. 258

(b) The department may contract with one or more independent 259
vendors to provide the information identified in division (F)(1) 260
of this section. 261

(c) Nothing in this section prevents the department or a 262
county department of job and family services from receiving or 263
reviewing additional information related to eligibility not 264
identified in this section or from contracting with one or more 265
independent vendors to provide additional information not 266
identified in this section. 267

(6) The department shall explore joining a multistate 268
cooperative, such as the national accuracy clearinghouse, to 269
identify individuals enrolled in public assistance programs 270
outside of this state. 271

(G) If the department receives information concerning a 272
household certified to receive supplemental nutrition assistance 273
program benefits that indicates a change in circumstances that may 274
affect eligibility, the department shall take action in accordance 275

with federal regulations, including verifying unclear information, 276
 providing prior written notice of a change or adverse action, and 277
 notifying the household of the right to a fair hearing. 278

(H) In the case of suspected fraud, the department shall 279
 refer the case for an administrative disqualification hearing or 280
 to the county prosecutor of the county in which the applicant or 281
 recipient resides for investigation, or both. 282

(I) The department shall adopt rules in accordance with 283
 Chapter 119. of the Revised Code to implement divisions (F) to (H) 284
 of this section. 285

(J) Except as prohibited by federal law, the department may 286
 assign any of the duties described in this section to any county 287
 department of job and family services." 288

After line 53455, insert: 289

"Sec. 5101.546. To the maximum extent permitted by federal 290
 law, the department of job and family services shall require a 291
 household receiving supplemental nutrition assistance program 292
 benefits to report, not later than thirty days after the change 293
 becomes known to the household, a change in income of more than 294
 five hundred dollars or any of the changes in circumstances 295
 enumerated for certified change reporting households under 7 296
 C.F.R. 273.12(a)(1). 297

Sec. 5101.547. (A) For the purpose of determining eligibility 298
 for supplemental nutrition assistance program benefits, the 299
 department of job and family services shall conduct an asset test 300
 for all members of a household. At a minimum, the department shall 301
 access information for every member of the household from a 302
 nationwide, public records data source of physical asset 303

ownership. The information accessed shall include ownership of 304
real property, automobiles, watercraft, aircraft, luxury vehicles, 305
or any other vehicle owned by a member of the household. The 306
search shall include a review of national and state financial 307
institutions to determine whether any member of the household has 308
undisclosed depository accounts and to verify account balances 309
disclosed by the household. The department shall enter into a 310
memorandum of understanding with any department, division, bureau, 311
section, unit, or any other subunit of a department to obtain the 312
information specified in this section. 313

(B) The allowable financial resources included and excluded 314
when determining a household's eligibility for supplemental 315
nutrition assistance program benefits shall not exceed the 316
standards specified in section (5)(g) of the "Food and Nutrition 317
Act of 2008," 7 U.S.C. 2014(g), and the department shall not 318
exempt any noncash, in-kind, or other similar benefit from this 319
determination. 320

(C) Unless required by federal law, the department shall not 321
grant exemptions from the gross income limits for an eligible 322
household under the supplemental nutrition assistance program 323
specified in section (5)(c) of the "Food and Nutrition Act of 324
2008," 7 U.S.C. 2014(c). 325

Sec. 5101.548. (A) The department of job and family services 326
shall compile a written report addressing the implementation and 327
enforcement of the supplemental nutrition assistance program, 328
including all of the following information about the program: 329

(1) The number of households investigated for fraud or 330
intentional program violations; 331

(2) The total number of those cases referred to the attorney 332

"Sec. 5163.52. If the department of medicaid receives federal funding for the medicaid program that is contingent on a temporary maintenance of effort restriction or that otherwise limits the department's ability to disenroll ineligible medicaid recipients, such as the requirements under Section 6008 of the "Families First Coronavirus Response Act," Pub. L. No. 116-127, the department shall do both of the following:

(A) Continue to conduct eligibility redeterminations under the medicaid program and act on those redeterminations to the fullest extent permitted under federal law and regulations.

(B) Within sixty days of the expiration of the restriction or limitation, complete an audit in which the department does all of the following:

(1) Completes and acts on eligibility redeterminations for all medicaid recipients for whom a redetermination has not been conducted in the past twelve months;

(2) Requests approval from the United States centers for medicare and medicaid services to conduct and act on eligibility redeterminations on all medicaid recipients who were enrolled for three or more months during the period of restriction or limitation; the department shall, within sixty days of any such approval, conduct and act on the redeterminations;

(3) Submits a report summarizing the results of the audit to the speaker of the house of representatives and senate president in accordance with section 101.68 of the Revised Code."

In line 70896, after "5101.341," insert "5101.54,"

In line 80907, delete "\$45,748,768 \$44,748,768" and insert "\$48,248,768 \$47,248,768"

In line 80914, delete the first "\$150,000" and insert

"\$1,150,000" 389

 After line 80916a, insert: 390

 "GRF 6005XX Employment Incentive Program \$2,500,000 391
 \$2,500,000" 392

 In line 80920, add \$6,000,000 to fiscal year 2022 and 393
 \$5,000,000 to fiscal year 2023 394

 In line 80971, add \$6,000,000 to fiscal year 2022 and 395
 \$5,000,000 to fiscal year 2023 396

 In line 80977, after the period insert "Of the foregoing 397
 appropriation item 600523, Family Assistance - Local, \$2,500,000 398
 in each fiscal year shall be provided to assist county departments 399
 that submit an approved plan on increasing fraud prevention, early 400
 detection of fraud, and investigations on potential fraud that may 401
 be occurring in public assistance programs." 402

 After line 81467, insert: 403

 "**Section 307.____.** EMPLOYMENT INCENTIVE PROGRAM 404

 The foregoing appropriation item 6005XX, Employment Incentive 405
 Program, shall be provided to eligible county departments of job 406
 and family services to develop employment incentive programs. In 407
 order to receive funds, a county department of job and family 408
 services shall submit a plan regarding the use of these funds for 409
 approval by the Director of Job and Family Services. The plan 410
 shall be submitted as part of the county's prevention, retention, 411
 and contingency plan. Funds shall be used in accordance with 412
 section 307.983 of the Revised Code to do both of the following: 413

 (A) Incentivize individuals, who are either currently 414
 enrolled or recently stopped participating in the Supplemental 415
 Nutrition Assistance Program, Medicaid, or a Temporary Assistance 416

for Needy Families program, to enhance, achieve, or maintain 417
 self-sufficiency through employment; 418

(B) Provide the nonfederal share for outreach, referral, 419
 application assistance, and other services to assist individuals 420
 in receiving incentives through the employment incentive program 421
 and any related supportive services to stabilize their employment 422
 and long-term self-sufficiency." 423

After line 81666, insert: 424

"**Section 307.**____. (A) Notwithstanding any provision of law or 425
 regulation to the contrary, in order to improve the timeliness of 426
 public assistance benefit deliveries, maximize operational 427
 efficiencies, increase cost savings, and minimize fraud, each 428
 county department of job and family services shall participate in 429
 a no cost, ninety-day pilot, under which each county department 430
 shall obtain real-time employment and income information from a 431
 third-party commercial consumer reporting agency, in accordance 432
 with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for 433
 the purpose of assisting with eligibility determinations for 434
 Supplemental Nutrition Assistance Program benefits, benefits 435
 funded by the Temporary Assistance for Needy Families block grant, 436
 and unemployment compensation benefits. Each county department 437
 shall conduct an analysis on the pilot and undertake efforts to 438
 incorporate real-time employment and income information into 439
 existing verification and eligibility determination procedures. 440

(B) Following the conclusion of the ninety-day pilot, the 441
 department of job and family services may contract with a vendor 442
 capable of providing the same or similar services to those 443
 described in this section. Of the foregoing appropriation item 444
 600551, Job and Family Services Support, up to \$1,000,000 in 445

fiscal year 2022 may be used to contract with a vendor.	446
Section 307.____. PUBLIC ASSISTANCE BENEFITS ACCOUNTABILITY	447
TASK FORCE	448
(A) There is hereby created the Public Assistance Benefits	449
Accountability Task Force consisting of the following thirteen	450
members:	451
(1) The Medicaid Director, or the Director's designee, who	452
shall serve as an ex-officio, nonvoting member;	453
(2) The Director of the Department of Job and Family	454
Services, or the Director's designee, who shall serve as an	455
ex-officio, nonvoting member;	456
(3) The Director of the Office of InnovateOhio, or the	457
Director's designee, who shall serve as an ex-officio, nonvoting	458
member;	459
(4) The following members appointed by the President of the	460
Senate;	461
(a) A director of a county department of job and family	462
services;	463
(b) A business owner who employs fewer than one hundred	464
people;	465
(c) Three members of the Senate, two from the majority party	466
and one from the minority party.	467
(5) The following members appointed by the Speaker of the	468
House of Representatives:	469
(a) A business owner who employs fewer than five hundred	470
people;	471
(b) A representative of the Ohio Job and Family Services	472

Directors' Association;	473
(c) Three members of the House of Representatives, two from the majority party and one from the minority party.	474 475
(B) Not later than ninety days from the effective date of this section, the President of the Senate and the Speaker of the House of Representatives shall each appoint a co-chairperson from among the members they appoint to the task force. Thereafter, the task force shall meet at the call of the co-chairpersons.	476 477 478 479 480
(C) The task force shall have the power to do the following:	481
(1) Review the November 9, 2020, report of the State Auditor entitled "Ohio's Medicaid Eligibility Determination Process" and determine to what extent the recommendations included in the report have been adopted. Within ninety days of conducting this review, the task force shall report to the President of the Senate and the Speaker of the House of Representatives regarding the status of implementation of these recommendations.	482 483 484 485 486 487 488
(2) Review past and present welfare to work county programs and their effectiveness on assisting individuals in achieving employment.	489 490 491
(3) Review existing fraud prevention efforts at the state and county levels and determine best practices for fraud prevention in the Supplemental Nutrition Assistance Program, Medicaid Program, Ohio Works First, and publicly funded child care program.	492 493 494 495
(4) Review and establish best practices regarding overpayment of benefits in the Supplemental Nutrition Assistance Program, Medicaid program, and publicly funded child care program and determine how these overpayments can be prevented at the state and county levels.	496 497 498 499 500
(5) Review and recommend best practices for processing public	501

assistance cases to create efficiencies and reduce errors through
the use of technology. 502
503

(6) Review and evaluate the length of time that individuals
receive public assistance in this state and recommend ways to
return individuals to the workforce. 504
505
506

(7) Review existing efforts to ensure compliance with child
support enforcement across public assistance benefit programs and
recommend additional ways compliance could be improved. 507
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509

(8) Review the costs and benefits associated with
implementing a requirement that each Supplemental Nutrition
Assistance Program debit card include a color photograph of at
least one adult member of the household. 510
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512
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(D) Members of the task force shall serve without
compensation. 514
515

(E) Not later than eighteen months after convening, the task
force shall prepare and submit a report to the General Assembly,
in accordance with section 101.68 of the Revised Code, regarding
any recommendations concerning the topics described in division
(C) of this section. Upon the submission of its report, the task
force shall cease to exist." 516
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521

After line 82821, insert: 522

"**Section 333.____.** POST-COVID MEDICAID REDETERMINATION 523

(A) As provided in this section, the Department of Medicaid
shall use third-party data sources and systems to conduct
eligibility redeterminations of all Medicaid recipients in this
state not later than 60 days after the conclusion of the emergency
period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B). 524
525
526
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528

(B) To the extent permitted by state and federal law, the 529

Department shall verify each Medicaid recipient's enrollment records against third-party data sources and systems, including all of the following:

- (1) Information accessed through databases available to the Department under 42 C.F.R. 435.948, 435.949, and 435.956, as permitted under 42 C.F.R. 435.916(a)(2);
- (2) Identity records;
- (3) Death records;
- (4) Employment and wage records;
- (5) Lottery winnings records;
- (6) Residency checks;
- (7) Household composition and asset records;
- (8) Any other records the Department considers appropriate in order to strengthen program integrity, reduce costs, and reduce fraud, waste, and abuse in the Medicaid program.

(C) Within 60 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall conduct an expedited eligibility review of those Medicaid recipients identified as likely ineligible for the Medicaid program based on the verification conducted under division (B) of this section to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.

(D) Not later than six months after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall conduct an expedited

eligibility review of those Medicaid recipients program who were 558
 newly enrolled in the Medicaid program for three or more months 559
 during the emergency period, but who were not newly enrolled 560
 during the last six months of the emergency period, to determine 561
 whether or not a recipient continues to be eligible for the 562
 Medicaid program. To the extent permitted by federal law, the 563
 department shall disenroll those recipients who are deemed no 564
 longer eligible for the Medicaid program under the expedited 565
 eligibility review. 566

(E) The Department shall complete a report containing its 567
 findings from the verification conducted under division (B) of 568
 this section, including any findings of fraud, waste, or abuse in 569
 the Medicaid program. Not later than 120 days after the conclusion 570
 of the emergency period due to COVID-19, as defined in 42 U.S.C. 571
 1320b-5(g)(1)(B), the Department shall submit the report to all of 572
 the following: 573

(1) The Governor; 574

(2) The Lieutenant Governor; 575

(3) The members of the Joint Medicaid Oversight Committee; 576

(4) The Senate President; 577

(5) The Speaker of the House of Representatives; 578

(6) The Chairperson of the Senate Finance Committee; 579

(7) The Chairperson of the House of Representatives Finance 580
 Committee; 581

(8) The chairperson of any other standing committees of the 582
 Senate and the House of Representatives having jurisdiction over 583
 the Department. 584

(F) Any third-party vendor expenses incurred from the 585

verification required by division (B) of this section shall be 586
entirely contingent on validated cost savings that have been 587
realized by the Department. In no case shall vendor expenses 588
exceed twenty per cent of those savings." 589

After line 89426, insert: 590

"The enactment of section 5163.52 of the Revised Code by this 591
act takes effect January 1, 2022." 592

The motion was _____ agreed to.

SYNOPSIS

Supplemental Nutrition Assistance Program eligibility 593

R.C. 5101.54, 5101.546, 5101.547, and 5101.548 594

Adds provisions that do the following: 595

-- Prohibit SNAP income and asset limits from exceeding the 596
types and allowable amounts permitted by the Secretary of the U.S. 597
Department of Agriculture; 598

-- Require ODJFS to conduct an asset test for each SNAP 599
recipient. 600

-- Require ODJFS to prepare and submit baseline and 601
subsequent quarterly reports detailing certain information 602
regarding SNAP. 603

-- Require ODJFS to collect information on suspicious 604
electronic benefit transfer card transactions and provide the 605
information to each impacted county department for analysis and 606
investigation. 607

ODJFS data matching agreements 608

R.C. 5101.041 and 5120.212	609
Adds a provision that requires the ODJFS Director to enter	610
into several data matching agreements for the purpose of	611
determining eligibility of certain public assistance recipients.	612
Public assistance private sector tools	613
R.C. 125.70	614
Requires the Department of Administrative Services to work	615
with ODJFS and the Department of Medicaid to deploy private sector	616
tools for digital identity management, authentication, and	617
verification for individuals receiving public assistance.	618
Medicaid eligibility	619
R.C. 5163.52; Section 812.10	620
-- Requires ODM to take certain actions in the event that the	621
Department receives federal funding for the Medicaid Program that	622
is contingent upon a temporary maintenance of effort restriction	623
or other restriction that limits ODM's ability to disenroll	624
ineligible Medicaid recipients;	625
Delays the effective date of that provision until January 1,	626
2022.	627
Post-COVID Medicaid redetermination	628
Section 333.____	629
Requires the Department of Medicaid to use third-party data	630
to conduct an eligibility redetermination of all Ohio Medicaid	631
recipients within 60 days after the conclusion of the COVID-19	632
emergency period.	633
Requires the Department to conduct an expedited eligibility	634
review of those recipients identified as likely ineligible for the	635

program based on that verification, and to the extent permitted 636
 under federal law, to disenroll those recipients who are no longer 637
 eligible. 638

Requires the Department to conduct an expedited eligibility 639
 review of those recipients who were newly enrolled in the Medicaid 640
 program for three or more months during the emergency period, but 641
 who were not newly enrolled during the last six months of the 642
 emergency period, and to the extent permitted under federal law, 643
 to disenroll those recipients who are no longer eligible. 644

Requires the Department to complete a report containing its 645
 findings from the verification and submit it to various state 646
 entities. 647

Provides that any third-party vendor expenses incurred by the 648
 verification is entirely contingent on the Department realizing 649
 cost savings, and limits vendor expenses to 20% of those savings. 650

New hire data check 651

R.C. 4141.286 652

Requires the ODJFS Director to check the Ohio New Hire 653
 Reporting Center, the National Directory of New Hires, and the 654
 Integrity Data Hub when determining whether an initial application 655
 is valid or whether a first claim or additional claim qualifies an 656
 individual for benefits; 657

Third-party commercial consumer reporting agency 658

R.C. 5101.04 and Section 307.____ 659

Permits ODJFS to contract with a third-party commercial 660
 consumer reporting agency to assist with improving the timeliness 661
 of benefit deliveries, maximizing operational efficiencies, 662
 increasing cost savings, and minimizing fraud within SNAP, 663

Medicaid, and the Temporary Assistance for Needy Families (TANF) programs. 664
665

Requires county departments of job and family services to participate in a no-cost, 90-day pilot program under which the county department must contract with a third-party commercial consumer reporting agency for the purposes described above. 666
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669

Following the conclusion of the 90-day pilot program, permits ODJFS to contract with a vendor capable of providing the services described above. 670
671
672

Requires both ODJFS and county departments to undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures. 673
674
675
676

Department of Job and Family Services 677

Sections 307.10, 307.20, 307.151, and 307.____ 678

Increases GRF appropriation item 600521, Family Assistance - Local, by \$2,500,000 in each fiscal year and earmarks the funds for CDJFSS with an approved plan to address fraud in public assistance programs. 679
680
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682

Increases GRF appropriation item 600551, Job and Family Services Program Support, by \$1.0 million in FY 2022 and permits up to this amount to be used by ODJFS to contract with a third-party commercial consumer reporting agency. 683
684
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686

Appropriates \$2,500,000 in each fiscal year to new GRF appropriation item 6005XX, Employment Incentive Program and earmarks the funds for CDJFSS to develop employment incentive programs. Requires a CDJFSS to submit a plan regarding its use of funds to the ODJFS Director, which must be submitted as part of the county's prevention, retention, and contingency (PRC) plan. 687
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692

Allows funds to be used to incentivize individuals who are either
 currently enrolled or recently stopped participating in SNAP,
 Medicaid, or a TANF employment and to provide outreach, referral,
 application assistance, and other services to assist individuals
 to receive incentives through this program and any related
 supportive services to stabilize their employment.

Public Assistance Benefits Accountability Task Force

Section 307.____

Establishes the Public Assistance Benefits Accountability
 Task Force consisting of 13 members.

Requires the task force to review all of the following:

-- The State Auditor's report of Ohio's Medicaid Eligibility
 Determination Process to determine to what extent the
 recommendations have been adopted;

-- Past and present welfare to work county programs and their
 effectiveness on assisting individuals in achieving employment;

-- Existing fraud prevention efforts at the state and county
 levels to determine best practices for fraud prevention in the
 SNAP, Medicaid, Ohio Works First, and publicly funded child care
 programs;

-- Best practices on how overpayments in the SNAP, Medicaid,
 and publicly funded child care programs can be prevented at the
 state and county level;

-- Best practices in public assistance case processing that
 create efficiencies and reduce errors through the use of
 technology;

-- The length of time that individuals receive public
 assistance benefits in the state and ways to return individuals to

the workforce. 721

-- Existing efforts to ensure compliance with child support 722
enforcement across public assistance benefit programs and 723
recommend additional ways compliance could be improved. 724

-- The costs and benefits associated with implementing a 725
requirement that each SNAP debit card include a color photograph 726
of at least one adult member of the household. 727

Requires the task force to prepare and submit a report to the 728
General Assembly. 729

_____ moved to amend as follows:

1 After line 83818a, insert:

2 "3L40 41561X Business Enterprise \$1,031,161 \$0"

3 Federal Relief

4 In line 83819, add \$1,031,161 to fiscal year 2022

5 In line 83820, add \$1,031,161 to fiscal year 2022

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Opportunities for Ohioans with Disabilities**

9 **Section 353.10**

10 Appropriates \$1,031,161 in FY 2022 to new FED Fund 3L40
11 appropriation item 41561X, Business Enterprise Federal Relief.

_____ moved to amend as follows:

1 Delete lines 69871 through 69874

2 In line 69882, delete "quality of life"

3 In line 69883, delete the underlined comma; strike through
4 "and shall operate the program for three years" and insert
5 "identified by the individual's qualified medical practitioner
6 as issues that would warrant treatment under the program"

7 In line 69910, strike through ", including"; after "a"
8 insert "."

9 (F) The supplier, in conducting the clinical trial and in
10 operating the clinical practice, shall adhere to"

11 In line 69911, delete "A rule requiring adherence to" and
12 insert "The"

13 In line 69914, delete "rule requiring that a"; after
14 "network" insert "shall"

15 In line 69915, delete "established and"

16 In line 69916, delete ";" and insert ".""

17 In line 69917, delete "A rule establishing the" and insert
18 "The"; delete "to" and insert "shall"

19 In line 69918, delete "a daily"

20 In line 69920, delete ";" and insert ".""

SC3840X1

21 In line 69921, delete "A rule requiring that each" and
22 insert "Each"

23 In line 69922, delete "must" and insert "shall"

24 In line 69926, delete "must" and insert "shall"

25 In line 69927, delete ";" and insert "."

26 In line 69928, delete "A"; strike through "rule requiring
27 that clinical" and insert "Clinical"

28 In line 69933, delete ";" and insert "."

29 In line 69934, delete "A rule requiring that any" and
30 insert "Any"

31 In line 69935, after "practice" insert "shall"

32 In line 69937, delete ";" and insert "."

33 In line 69938, delete "A rule requiring that the" and
34 insert "The"

35 In line 69939, after "section" insert "shall"

36 In line 69942, strike through "(F)" and insert "(G)"

37 The motion was _____ agreed to.

38 SYNOPSIS

39 **EEG combined transcranial magnetic stimulation**

40 **R.C. 5902.09**

41 Makes additional changes to the pilot program, which is
42 being modified by provisions in the substitute bill, including
43 all of the following:

44 1. Establishes certain criteria for the program in statute.
45 The substitute bill requires the same criteria be adopted in

SC3840X1

46 rules adopted by the Directors of Veterans Services and Mental
47 Health and Addiction Services.

48 2. Maintains the requirement that the program protocol be
49 based on EEG and motor threshold testing, but eliminates the
50 requirement that this testing be conducted daily.

51 3. Removes "quality of life issues" from the list of
52 disorders that qualify a person for treatment under the program.
53 Instead specifies that issues identified by the individual's
54 qualified medical practitioner as issues that would warrant
55 treatment under the program, may be qualifying factors.

_____ moved to amend as follows:

1 In line 151 of the title, after "5123.034," insert
2 "5123.603,"

3 In line 324, after "5123.034," insert "5123.603,"

4 After line 56643, insert:

5 "Sec. 5123.603. (A) Every two years, the president of the
6 senate and speaker of the house of representative shall
7 establish a joint committee to examine the activities of the
8 state's protection and advocacy system and client assistance
9 program.

10 (B) (1) The joint committee shall consist of three members
11 of the senate appointed by the senate president, two from the
12 majority party and one from the minority party, and three
13 members of the house of representatives, two from the majority
14 party and one from the minority party, appointed by the speaker
15 of the house of representatives. The senate president and
16 speaker of the house of representatives also shall determine the
17 dates on which members' terms on the joint committee are to
18 begin and end. Vacancies shall be filled in the manner of the
19 original appointments. In odd-numbered years, the senate

20 president shall designate a member of the senate as the
21 chairperson of the committee and in even-numbered years, the
22 speaker of the house of representatives shall designate a member
23 of the house of representatives as the chairperson of the joint
24 committee.

25 (2) In its sole discretion, the current entity serving as
26 the state's protection and advocacy system and client assistance
27 program may appear before, and offer testimony to, the joint
28 committee.

29 (C) Every two years, the senate president and speaker of
30 the house of representatives shall specify a deadline for the
31 joint committee to complete a new report containing the joint
32 committee's recommendations, if any. The joint committee shall
33 submit the report to the senate president, speaker of the house
34 of representatives, governor, and joint medicaid oversight
35 committee by the deadline."

36 After line 77016, insert:

37 **"Section 261._____.** PROTECTION AND ADVOCACY TRANSPARENCY
38 AMENDMENT

39 The enactment of section 5123.603 of the Revised Code by
40 this act shall be known as the "Protection and Advocacy
41 Transparency Amendment.""

42 The motion was _____ agreed to.

43

SYNOPSIS

44 **Protection and advocacy system and client assistance**
45 **program transparency**

46 **R.C. 5123.603 and Section 261._____**

47 Requires the Senate President and Speaker of the House of
48 Representatives to establish every two years a joint committee
49 to examine the activities of the state's advocacy and protection
50 system and client assistance program.

51 Permits the current entity serving as the state's
52 protection and advocacy system and client assistance program to
53 appear before, and offer testimony to, the joint committee.

54 Requires the joint committee to submit to the Senate
55 President, Speaker, Governor, and JMOC a report containing its
56 recommendations, if any, every two years.

57 Designates the amendment as the "Protection and Advocacy
58 Transparency Amendment."

Sub. H.B. 110
L-134-0005-1

_____ moved to amend as follows:

In line 140 of the title, after "3310.411," insert "3310.70," 1

In line 315, after "3310.411," insert "3310.70," 2

After line 25491, insert: 3

"Sec. 3310.70. (A) A student is an "eligible student" for 4
purposes of this section if the student is at least six but no 5
more than eighteen years old and the student's family income is at 6
or below three hundred per cent of the federal poverty guidelines, 7
as defined in section 5101.46 of the Revised Code. 8

(B)(1) There is hereby established the afterschool child 9
enrichment (ACE) educational savings account program. Not later 10
than thirty days after the effective date of this section, the 11
department of education shall adopt emergency rules under Chapter 12
119. of the Revised Code that prescribe procedures for the 13
establishment of these accounts for fiscal years 2022 and 2023 14
upon the request of the parent or guardian of an eligible student 15
enrolled in a public or nonpublic school or an eligible student 16
who has been excused from the compulsory attendance law for the 17
purpose of home instruction under section 3321.04 of the Revised 18
Code. Accounts shall be established on a first-come, first-served 19
basis according to the availability of funds appropriated for 20

purposes of this section. 21

(2) Not later than one hundred twenty days after the 22
effective date of this section, the department shall create an 23
online form for parents and guardians to request the establishment 24
of an account under this section. 25

(C)(1) The department shall contract with a vendor for 26
purposes of administering the provisions of this section and may 27
contract with the treasurer of state for technical assistance. In 28
selecting a vendor, the department shall give preference to those 29
vendors who use a smart phone application that is free for parents 30
or guardians to use, is capable of scanning receipts, allows users 31
to provide program feedback, and includes customer service contact 32
information for parents and guardians who experience technical 33
issues with the application. For fiscal year 2022 or fiscal year 34
2023, the department shall pay the vendor not more than three per 35
cent of the amount appropriated for that fiscal year for purposes 36
of this section. 37

(2) The vendor selected by the department under division 38
(C)(2) of this section shall do both of the following: 39

(a) Monitor how accounts are used by parents or guardians and 40
recoup moneys that are used for purposes that are not authorized 41
by this section as determined by the vendor; 42

(b) Provide the department with a comprehensive list of 43
purchases made with accounts. 44

(3) At no time shall the vendor authorize parents or 45
guardians to use moneys for purposes that are not authorized by 46
this section as determined by the vendor. If the vendor authorizes 47
parents or guardians to use moneys for a specified purpose and 48
later determines that purpose is not authorized by this section, 49

the vendor may recoup that money. 50

(D)(1) If a parent or guardian makes a request under division (B) of this section during fiscal year 2022, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2022, for use in accordance with division (E) of this section. 51-57

(2) If a parent or guardian makes a request under division (B) of this section during fiscal year 2023, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2023, for use in accordance with division (E) of this section. 58-64

(E) Subject to division (F) of this section, moneys credited to an education savings account established under division (B) of this section shall be used by an eligible student's parent or guardian for any of the following purposes, whether secular or nonsecular: 65-69

- (1) Before- or after-school educational programs; 70
- (2) Day camps, including camps for academics, music, and arts; 71-72
- (3) Tuition at learning extension centers; 73
- (4) Tuition for learning pods; 74
- (5) If the student has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, purchase of curriculum and materials; 75-77

(6) Educational, learning, or study skills services; 78

(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees; 79
80
81

(8) Language classes; 82

(9) Instrument lessons; 83

(10) Tutoring. 84

(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices. 85
86
87

(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section. 88
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(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code." 92
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After line 77084b, insert: 98

"3HS0200640 Federal Coronavirus \$ 50,000,000 \$ 75,000,000" 99
School Relief

In line 77098, add \$50,000,000 to fiscal year 2022 and 100
\$75,000,000 to fiscal year 2023 101

In line 77099, add \$50,000,000 to fiscal year 2022 and 102
\$75,000,000 to fiscal year 2023 103

After line 79724, insert: 104

"Section 265.355. FEDERAL CORONAVIRUS SCHOOL RELIEF 105

The foregoing appropriation item 200640, Federal Coronavirus 106
 School Relief, shall be used by the Department of Education to 107
 support ACE education savings accounts pursuant to section 3310.70 108
 of the Revised Code using the funds for emergency needs authorized 109
 under Title III, Sec. 313(e) of the federal "Consolidated 110
 Appropriations Act, 2021," Pub. L. No. 116-260. 111

An amount equal to the unexpended, unencumbered balance of 112
 the foregoing appropriation item 200640, Federal Coronavirus 113
 School Relief, at the end of fiscal year 2022 is hereby 114
 reappropriated to the Department for the same purpose in fiscal 115
 year 2023." 116

After line 88954, insert: 117

"Section 733.____. Not later than December 1, 2021, the 118
 Department shall deposit funds into ACE education savings accounts 119
 established under section 3310.70 of the Revised Code for fiscal 120
 year 2022." 121

The motion was _____ agreed to.

SYNOPSIS

ACE Educational Savings Accounts 122

R.C. 3310.70; Section 733.____ 123

Requires the Department of Education, not later than thirty 124
 days after the provision's effective date, to adopt emergency 125
 rules under Chapter 119. of the Revised Code that prescribe 126
 procedures for the establishment of Afterschool Child Enrichment 127

(ACE) Educational Savings Accounts for FY 2022 and FY 2023 upon	128
the request of the parent or guardian of an "eligible student"	129
enrolled in a public or nonpublic school or an "eligible student"	130
receiving home instruction.	131
Specifies that a student is an "eligible student" if the	132
student is at least six years old but not more than eighteen years	133
old and the student's family income is at or below 300% of the	134
Federal Poverty Guidelines.	135
Requires these accounts to be established on a first-come,	136
first-served basis according to the availability of funds	137
appropriated for this provision.	138
Requires the Department to create, not later than 120 days	139
after the provision's effective date, an online form for parents	140
and guardians to request the establishment of an account.	141
Requires the Department to deposit funds into an account	142
established for FY 2022 by December 1, 2021.	143
Requires the Department to contract with a vendor for	144
purposes of administering this provision, and permits the	145
Department to contract with the Treasurer of State for technical	146
assistance.	147
Requires the Department, in selecting a vendor, to give	148
preference to those vendors who use a smart phone application that	149
is free for parents and guardians to use, is capable of scanning	150
receipts, allows users to provide program feedback, and includes	151
customer service contact information for parents and guardians who	152
experience technical issues with the application.	153
For FY 2022 or FY 2023, requires the Department to pay the	154
vendor not more than three per cent of the amount appropriated for	155
that fiscal year for purposes of this provision.	156

Requires the vendor selected by the Department to do both of 157
the following: 158

(1) Monitor how accounts are used by parents or guardians and 159
recoup moneys that are used for purposes that are not authorized 160
by this provision (see below) as determined by the vendor; 161

(2) Provide the Department with a comprehensive list of 162
purchases made with accounts. 163

Prohibits the vendor from authorizing parents or guardians to 164
use moneys for purposes that are not authorized by this provision 165
(see below) as determined by the vendor. 166

Permits the vendor, if it authorizes parents or guardians to 167
use moneys for a specified purpose and later determines that 168
purpose is not authorized by this provision (see below), to recoup 169
that money. 170

Specifies that, if a parent or guardian makes a request for 171
an account to be established in FY 2022, \$500 must be credited to 172
the account within fourteen days of the parent's or guardian's 173
request, and that amount must be disbursed upon request to the 174
parent or guardian by June 30, 2022. 175

Specifies that, if a parent or guardian makes a request for 176
an account to be established in FY 2023, \$500 must be credited to 177
the account within fourteen days of the parent's or guardian's 178
request, and that amount must be disbursed upon request to the 179
parent or guardian by June 30, 2023. 180

Requires moneys credited to an account under this provision 181
to be used by a student's parent or guardian for any of the 182
following purposes, whether secular or nonsecular: 183

(1) Before- or after-school educational programs; 184

(2) Day camps, including camps for academics, athletics, and arts;	185 186
(3) Tuition at learning extension centers;	187
(4) Tuition for learning pods;	188
(5) If a student is receiving home instruction, purchase of curriculum and materials;	189 190
(6) Educational, learning, or study skills services;	191
(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;	192 193 194
(8) Language classes;	195
(9) Instrument lessons; or	196
(10) Tutoring.	197
Prohibits moneys credited to an account from being used for the purchase of electronic devices.	198 199
Requires the Department to make available to parents and guardians a list of the purposes for which moneys credited to an account may be spent.	200 201 202
Requires the Department to prepare a report regarding the administration of this provision, including feedback from a random sampling of parents and guardians who request accounts for FY 2022, FY 2023, or both and submit the report to the General Assembly by December 31, 2023.	203 204 205 206 207
Department of Education	208
Sections 265.10 and 265.355	209
Establishes FED Fund 3HS0 appropriation item 200640, Federal Coronavirus School Relief, with appropriations of \$50,000,000 in	210 211

FY 2022 and \$75,000,000 in FY 2023 and specifies that this item be 212
used to support the ACE education savings accounts described above 213
using the funds for emergency needs authorized under the federal 214
Consolidated Appropriations Act, 2021 (that act authorizes a state 215
to reserve up to 10% of its Elementary and Secondary School 216
Emergency Relief Fund allocation, including up to 0.5% of its 217
allocation for administrative costs and the remainder for 218
emergency needs, as determined by the state educational agency 219
(the latter is commonly referred to as "state activity funds")). 220

Reappropriates the unexpended and unencumbered balance of 221
this line item at the end of FY 2022 to FY 2023 for the same 222
purpose. 223

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LOCCD15

_____ moved to amend as follows:

Delete lines 13888 through 13922 and insert: 1

"**Sec. 955.15.** (A) The board of county commissioners shall 2
 provide nets and other suitable devices for the taking of dogs in 3
 a humane manner, provide a suitable place for impounding dogs, 4
 make proper provision for feeding and caring for the same, and 5
 provide humane ~~devices and~~ methods for destroying dogs. ~~In any~~ 6
~~county in which there is a society for the prevention of cruelty~~ 7
~~to children and animals, having one or more agents and maintaining~~ 8
~~an animal shelter suitable for a dog pound and devices for~~ 9
~~humanely destroying dogs, the board need not furnish a dog pound,~~ 10
~~but the county dog warden shall deliver all dogs seized by the~~ 11
~~warden and the warden's deputies to such society at its animal~~ 12
~~shelter, there to be dealt with in accordance with law~~ 13

(B) Subject to division (C) of this section, the dog warden 14
shall deliver any dog that the warden or the warden's deputies 15
have seized to one of the following: 16

(1) A dog pound operated by the county; 17

(2) Another animal shelter for dogs, as defined in section 18
956.01 of the Revised Code, that operates in a manner suitable for 19

a dog pound and that is able to adopt out, transfer out, or 20
humanely destroy dogs in accordance with state law. The 21

(C) A dog warden shall not deliver dogs to an animal shelter 22
for dogs under division (B)(2) of this section unless the board of 23
county commissioners has entered into a written agreement with the 24
animal shelter for dogs to operate as a dog pound on behalf of the 25
county. 26

(D) A pound or animal shelter for dogs to which a dog has 27
been delivered under division (B) of this section shall deal with 28
the dog in accordance with state law, including the maintenance of 29
any public records pertaining to the intake and disposition of the 30
dog. 31

(E) The board shall provide for the payment of reasonable 32
compensation to ~~such society~~ an animal shelter for dogs described 33
in division (B)(2) of this section for its services so performed 34
out of the dog and kennel fund or the county's general revenue 35
fund. The 36

(F) The board may designate and appoint any officers 37
regularly employed by any society organized under sections 1717.02 38
to 1717.05 of the Revised Code, to act as county dog warden or 39
deputies for the purpose of carrying out sections 955.01 to 955.27 40
of the Revised Code, if such society whose agents are so employed 41
owns or controls a suitable place for keeping and destroying 42
dogs." 43

The motion was _____ agreed to.

SYNOPSIS

Agreements between counties and animal shelters	44
R.C. 955.15	45
Regarding provisions of the bill that govern the disposition of dogs seized by a county dog warden, does the following:	46 47
1. Regarding the provision that allows the dog warden to deliver a dog to an animal shelter, clarifies that the written agreement with the animal shelter must be with an "animal shelter for dogs," which is defined generally as a facility that keeps, houses, and maintains dogs.	48 49 50 51 52
2. Specifies that the animal shelter for dogs must be able to adopt out, transfer out, or humanely destroy a dog;	53 54
3. Removes references to county humane societies because a county humane society is included within the term "animal shelter for dogs."	55 56 57
4. Removes references to euthanasia devices and maintaining those devices;	58 59
5. Requires a dog pound or animal shelter for dogs to maintain public records pertaining to the intake and disposition of any dog that is delivered by a dog warden; and	60 61 62
6. Allows the county to pay for expenses relating to delivering a dog to an animal shelter for dogs from the county's general revenue fund (or the county's dog and kennel fund as allowed under current law).	63 64 65 66

_____ moved to amend as follows:

1 In line 76462, delete "for facility improvements and
2 capacity"

3 Delete lines 76463 and 76464 and insert "in accordance with
4 Section 701.____ of this act."

5 After line 88886, insert:

6 **"Section 701.____.** (A) As used in this section, "meat
7 processing plant" means a facility that:

8 (1) Is located in this state;

9 (2) Is in operation as of July 1, 2021; and

10 (3) Provides processing services for livestock and poultry
11 producers.

12 (B) The Director of Development shall establish a grant
13 program for meat processing plants. The Director shall prescribe
14 the grant application form.

15 (C) The owner or operator of a meat processing plant may
16 apply to the Director for a grant under this section. Upon the
17 receipt of a grant application, the Director shall review the
18 application and score it based on the following criteria:

SC3849

19 (1) Whether the grant will improve the applicant's
20 processing efficiencies for livestock and poultry by allowing
21 for the following:

22 (a) New equipment, including upgrades to existing
23 equipment;

24 (b) New technology, including upgrades to existing
25 technology; and

26 (c) Training of personnel.

27 (2) Whether the grant will be used for the expansion or new
28 construction of facilities for the processing of livestock and
29 poultry, including:

30 (a) Areas to confine livestock and poultry;

31 (b) Areas for the processing of livestock and poultry; and

32 (c) Refrigeration or freezers.

33 (3) Whether the grant will be used for food safety
34 certification or to assist in obtaining cooperative interstate
35 shipment status;

36 (4) Whether the grant will improve harvest services for
37 livestock and poultry producers;

38 (5) Project readiness.

39 (D) For purposes of divisions (C)(1) through (5) of this
40 section, the Director shall not consider the following as
41 eligible for grant funding:

42 (1) Improvements to personal residences, nonfarm commercial
43 property, and any other nonfarm structures;

44 (2) Agricultural tractors, motorized vehicles, and other
45 mobile equipment with an internal combustion engine;

46 (3) Land purchases.

47 (E) Meat processing plants awarded a grant under this
48 section shall maintain the equipment, technology, plant
49 expansion, or new construction in working and serviceable order
50 for a period of five years after the awarding of the grant.

51 (F) The Director shall not award a grant to an applicant
52 under this section for more than two hundred fifty thousand
53 dollars."

54 The motion was _____ agreed to.

55 SYNOPSIS

56 **Meat processing plant grants**

57 **Section 701. __**

58 Requires the Director of Development to establish a grant
59 program for meat processing plants, including prescribing the
60 grant application form.

61 Specifies that a meat processing plant is a facility that
62 is located in Ohio, is in operation as of July 1, 2021, and
63 provides processing services for livestock and poultry
64 producers.

65 Authorizes the owner or operator of a meat processing plant
66 to apply to the Director for a grant and, on the receipt of a

67 grant application from a plant, requires the Director to review
68 the application and score it based on the specified criteria,
69 including:

70 (1) Whether the grant will improve the applicant's
71 processing efficiencies for livestock and poultry;

72 (2) Whether the grant will be used for expansion or new
73 construction for the processing of livestock and poultry; and

74 (3) Project readiness.

75 Prohibits the Director from considering certain
76 expenditures by a plant for a grant, including improvements to
77 personal residences, nonfarm commercial property, and any other
78 nonfarm structures.

79 Prohibits the Director from awarding a grant of more than
80 \$250,000.

81 **Department of Development**

82 **Section 259.30**

83 Specifies that Fund 5XX0 appropriation item 195408, Meat
84 Processing Investment Program, be used to make grants to meat
85 processing plants in accordance to Section 701.____ of the bill.

_____ moved to amend as follows:

1 After line 77016, insert:

2 **"Section 261._____.** DD-ADMINISTERED WAIVER SLOTS

3 (A) As used in this section, "DD-administered waiver" means
4 a Medicaid waiver component, as defined in section 5166.01 of
5 the Revised Code, that is administered by the Department of
6 Developmental Disabilities.

7 (B) During fiscal year 2022 and fiscal year 2023, the
8 Department of Developmental Disabilities shall not use the funds
9 appropriated in appropriation items 653407, Medicaid Services,
10 653654, Medicaid Services, 653606, ICF/IID and Waiver Match, or
11 653624, County Board Waiver Match, to reserve a portion of the
12 total number of DD-administered waivers in a fiscal year to give
13 preference to people living in intermediate care facilities for
14 individuals with intellectual disabilities and shall instead
15 permit the funds to be used for any DD-administered waiver."

16 The motion was _____ agreed to.

17

SYNOPSIS

18

DD-administered Medicaid waivers

19

Section 261. _____

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During fiscal year 2022 and fiscal year 2023, prohibits the Department of Developmental Disabilities from using funds appropriated in GRF appropriation item 653407, Medicaid Services, DPF Fund 5GEO appropriation item 653606, ICF/IID and Waiver Match, DPF Fund 5Z10 appropriation item 653624, County Board Waiver Match, or FED appropriation item 653654, Medicaid Services, to reserve a portion of the total number of DD-administered waivers to give preference to people living in intermediate care facilities for individuals with intellectual disabilities and authorizes the funds to be used for any DD-administered waiver.

_____ moved to amend as follows:

1 After line 12524, insert:

2 "(D) (1) Notwithstanding the membership requirements of
3 section 340.02 of the Revised Code, if a county with a
4 population of at least thirty-five thousand but not more than
5 forty-five thousand, according to data from the 2010 federal
6 census, joins an existing alcohol, drug addiction, and mental
7 health service district during the period beginning on June 30,
8 2021, and ending June 30, 2023, the existing board of alcohol,
9 drug addiction, and mental health services serving that district
10 may elect to expand its membership to eighteen members if the
11 existing board has fourteen members.

12 (2) The option to expand the board, as provided in division
13 (D) (1) of this section, is available only during the twelve-
14 month period beginning on the date the county with a population
15 of at least thirty-five thousand but not more than forty-five
16 thousand joins the alcohol, drug addiction, and mental health
17 service district served by the board. The additional members

18 shall be appointed in the manner specified in section 340.02 of
19 the Revised Code."

20 The motion was _____ agreed to.

21 SYNOPSIS

22 **ADAMHS board composition and membership**

23 **R.C. 340.022**

24 Adds the following to the substitute bill provisions
25 relating to the composition and membership of alcohol, drug
26 addiction, and mental health services (ADAMHS) boards:

27 -Provides that if a county with a population between 35,000
28 and 45,000 joins an existing alcohol, drug addiction, and mental
29 health service district during the two-year period beginning
30 June 30, 2021, the ADAMHS board may elect to expand its
31 membership from 14 members to 18 members.

32 -Permits the ADAMHS board to make this election for one
33 year from the date the county joins the joint-county district.

_____ moved to amend as follows:

1 In line 15021, delete "defective casing in"

2 In line 15024, delete "person that"

3 In line 15025, delete "constructed the well or"; strike
4 through "owner of" and insert "person that owns"; after "well"
5 insert "or that is responsible for the well"

6 In line 15031, strike through "notify the"; delete "person
7 that constructed the well or"; strike through "owner"

8 In line 15032, delete "of the well"; strike through "to
9 that effect by order in writing"; insert "issue an order to the
10 person that owns the well or that is responsible for the well to
11 plug the well"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Oil and gas well leak responsibility; plugging orders**

15 **(R.C. 1509.12)**

16 Regarding the existing prohibition against allowing
17 defective casing in a well to leak fluid or gases, eliminates
18 the requirement that the leak be caused by defective casing,

SC3871

19 thus broadening the prohibition so that it applies to any
20 situation in which an owner of a well allows a well to leak
21 fluids or gases.

22 Revises the Chief of the Division of Oil and Gas Resources
23 Management's authority to issue a plugging order so that the
24 Chief may issue the order to any person that owns a well or that
25 is responsible for a well (rather than to only the owner or the
26 person that constructed it, as in the bill).

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_____ moved to amend as follows:

- In line 118 of the title, after "5747.10," insert "5747.70," 1
- In line 299, after "5747.10," insert "5747.70," 2
- In line 67141, after "contributions" insert "made"; strike 3
through "variable college" 4
- In line 67142, strike through "savings program accounts 5
made"; strike through "pursuant" 6
- In line 67143, strike through "to Chapter 3334. of the 7
Revised" and insert "under a qualified tuition program established 8
pursuant to section 529 of the Internal Revenue" 9
- After line 68859, insert: 10
- "**Sec. 5747.70.** (A) In computing Ohio adjusted gross income, a 11
deduction from federal adjusted gross income is allowed to a 12
~~contributor for the amount contributed during the taxable year~~ 13
~~taxpayer who contributes to a variable college savings program~~ 14
~~account and to a purchaser of~~ or purchases tuition units under ~~the~~ 15
~~Ohio college savings program created by Chapter 3334. of the~~ 16
~~Revised Code~~ a qualified tuition program established in accordance 17
with section 529 of the Internal Revenue Code. The amount of the 18
deduction shall equal the amount contributed or purchased during 19
the taxable year to the extent that the amounts of such 20

contributions and purchases were not deducted in determining the 21
contributor's or purchaser's federal adjusted gross income for the 22
taxable year. The combined amount of contributions and purchases 23
deducted in any taxable year by a taxpayer or the taxpayer and the 24
taxpayer's spouse, regardless of whether the taxpayer and the 25
taxpayer's spouse file separate returns or a joint return, is 26
limited to four thousand dollars for each beneficiary for whom 27
contributions or purchases are made. If the combined annual 28
contributions and purchases for a beneficiary exceed four thousand 29
dollars, the excess may be carried forward and deducted in future 30
taxable years until the contributions and purchases have been 31
fully deducted. 32

(B) In computing Ohio adjusted gross income, a deduction from 33
federal adjusted gross income is allowed for: 34

(1) Income related to tuition units and contributions that as 35
of the end of the taxable year have not been refunded pursuant to 36
the termination of a qualified tuition program payment contract or 37
~~variable college savings program~~ account ~~under section 3334.10 of~~ 38
~~the Revised Code~~, to the extent that such income is included in 39
federal adjusted gross income. 40

(2) The excess of the total purchase price of tuition units 41
refunded during the taxable year pursuant to the termination of a 42
qualified tuition program payment contract ~~under section 3334.10~~ 43
~~of the Revised Code~~ over the amount of the refund, to the extent 44
the amount of the excess was not deducted in determining federal 45
adjusted gross income. Division (B)(2) of this section applies 46
only to units for which no deduction was allowable under division 47
(A) of this section. 48

(C) In computing Ohio adjusted gross income, there shall be 49
added to federal adjusted gross income the amount of loss related 50

to tuition units and contributions that as of the end of the
taxable year have not been refunded pursuant to the termination of
a qualified tuition program payment contract or ~~variable college~~
~~savings program~~ account ~~under section 3334.10 of the Revised Code,~~
to the extent that such loss was deducted in determining federal
adjusted gross income.

(D) For taxable years in which distributions or refunds are
made under a qualified tuition ~~payment or variable college savings~~
~~program contract~~ program for any reason other than payment of
higher education expenses, or the beneficiary's death, disability,
or receipt of a scholarship as described in section 3334.10 of the
Revised Code:

(1) If the distribution or refund is paid to the purchaser or
contributor or beneficiary, any portion of the distribution or
refund not included in the recipient's federal adjusted gross
income shall be added to the recipient's federal adjusted gross
income in determining the recipient's Ohio adjusted gross income,
except that the amount added shall not exceed amounts previously
deducted under division (A) of this section less any amounts added
under division (D)(1) of this section in a prior taxable year.

(2) If amounts paid by a purchaser or contributor on or after
January 1, 2000, are distributed or refunded to someone other than
the purchaser or contributor or beneficiary, the amount of the
payment not included in the recipient's federal adjusted gross
income, less any amounts added under division (D) of this section
in a prior taxable year, shall be added to the recipient's federal
adjusted gross income in determining the recipient's Ohio adjusted
gross income."

In line 70913, after "5747.10," insert "5747.70,"

After line 89401, insert:

"Section 803.____. The amendment by this act of division 81
 (A)(9) of section 5747.01 and section 5747.70 of the Revised Code 82
 applies to taxable years beginning on or after January 1, 2021. 83
 The amendment by this act of those sections does not limit the 84
 ability of a taxpayer whose combined contributions to an Ohio 85
 variable college savings program account and purchases of tuition 86
 units under the Ohio college savings program for a beneficiary 87
 exceeded four thousand dollars in a taxable year beginning before 88
 January 1, 2021, to carry forward and deduct the excess in taxable 89
 years beginning on or after January 1, 2021." 90

The motion was _____ agreed to.

SYNOPSIS

Income tax: 529 plan deduction expansion 91
R.C. 5747.01(A)(9) and 5747.70; Section 803.____ 92
 Expands the income tax deduction allowed for contributions to 93
 Ohio's 529 education savings program to include contributions to 94
 529 programs established by other states. Current law allows a 95
 state income tax deduction for contributions to only Ohio's 529 96
 plan. 97

_____ moved to amend as follows:

1 In line 85937, delete "\$34,887,328" and insert
2 "\$35,541,578"

3 In line 85938, add \$654,250 to fiscal year 2022

4 In line 85962, add \$654,250 to fiscal year 2022

5 After line 86022, insert:

6 "INSTITUTION EDUCATION SERVICES

7 Of the foregoing appropriation item 506321, Institution
8 Education Services, \$654,250 in fiscal year 2022 shall be used
9 for the Ashland University Correctional Education Expansion
10 Program."

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Rehabilitation and Correction**

14 **Section 383.10**

15 Increases GRF appropriation item 506321, Institution
16 Education Services, by \$654,250 in fiscal year 2022, from
17 \$34,887,328 to \$35,541,578, and earmarks the increase for the
18 Ashland University Correctional Education Expansion Program.

_____ moved to amend as follows:

1 In line 84497, delete "\$700,000" and insert "\$1,187,925"

2 In line 84519, add \$487,925 to fiscal year 2022

3 In line 84546, add \$487,925 to fiscal year 2022

4 After line 85465, insert:

5 "Of the foregoing appropriation item 235533, Program and
6 Project Support, \$487,925 in fiscal year 2022 shall be allocated
7 to support the Ashland University Military and Veterans Resource
8 Center Project."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Higher Education**

12 **Sections 381.10 and 381.287**

13 Increases GRF appropriation item 235533, Program and
14 Project Support, by \$487,925 in fiscal year 2022 and earmarks
15 the same amount to be allocated to support the Ashland
16 University Military and Veterans Resource Center Project.

_____ moved to amend as follows:

1 In line 82836, delete the first "\$86,964,846" and insert
2 "\$87,556,596"

3 In line 82847, add \$591,750 to fiscal year 2022

4 In line 82878, add \$591,750 to fiscal year 2022

5 After line 83044, insert:

6 "(Q) Of the foregoing appropriation item 336421, Continuum
7 of Care Services, \$591,750 in fiscal year 2022 shall be
8 distributed to the Ashland Center for Addictions Project."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Mental Health and Addiction Services**

12 **Section 337.40**

13 Increases GRF appropriation item 336421, Continuum of Care
14 Services, by \$591,750 in FY 2022. Earmarks these funds for the
15 Ashland Center for Addictions Project.

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_____ moved to amend as follows:

In line 134 of the title, after "1503.271," insert "1546.31," 1

In line 311, after "1503.271," insert "1546.31," 2

After line 16530, insert: 3

"Sec. 1546.31. (A) The "Doris Duke Woods" is hereby 4
designated within the Malabar state park in Richland county to 5
honor Doris Duke's pioneering contributions to conservation at 6
Malabar state park and across the nation. 7

(B) The "Doris Duke Woods" consists of one hundred twenty 8
contiguous acres of Malabar state park's most mature hardwood 9
forest located between Bromfield road and state route number 10
ninety-five. 11

(C) The department of natural resources shall not remove or 12
allow any person or governmental entity to remove timber from the 13
"Doris Duke Woods," except for normal maintenance purposes. 14

(D) On or before October 31, 2021, the director of natural 15
resources shall dedicate the "Doris Duke Woods" as a state nature 16
preserve in accordance with section 1517.05 of the Revised Code. 17

(E) After the designation of the "Doris Duke Woods" under 18
division (A) of this section and dedication under division (D) of 19
this section, the department shall maintain and keep open to the 20

public any public hiking and horse trails that existed in that 21
area prior to its designation and dedication. The department also 22
shall allow the use of the "Doris Duke Woods" for maple syrup 23
harvesting purposes." 24

The motion was _____ agreed to.

SYNOPSIS

Doris Duke Woods 25

R.C. 1546.31 26

Designates 120 contiguous acres of Malabar State Park's most 27
mature hardwood forest located between Bromfield Road and State 28
Route 95 as the "Doris Duke Woods" at Malabar State Park. 29

Requires the Director of Natural Resources, by October 31, 30
2021, to designate the Woods as a state nature preserve. 31

Specifies that the Department of Natural Resources may not 32
remove or allow any person or governmental entity to remove timber 33
from the Woods, except for normal maintenance purposes. 34

Specifies that the Department must maintain and keep open to 35
the public any public hiking and horse trails that existed in the 36
Woods prior to its designation. 37

Specifies that the Department must allow the use of the 38
"Doris Duke Woods" for maple syrup harvesting purposes. 39

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_____ moved to amend as follows:

- In line 32 of the title, after "1703.27," insert "1706.83," 1
- In line 172 of the title, after the comma insert "Sections 4 2
and 5 of S.B. 276 of the 133rd General Assembly," 3
- In line 236, after "1703.27," insert "1706.83," 4
- After line 17020, insert: 5
- "**Sec. 1706.83.** On and after ~~January 1~~February 11, 2022, this 6
chapter shall govern all limited liability companies, including 7
every foreign limited liability company that files an application 8
for registration as a foreign limited liability company on or 9
after ~~January 1~~February 11, 2022, every foreign limited liability 10
company that registers a name in this state on or after ~~January~~ 11
~~1~~February 11, 2022, every foreign limited liability company that 12
has registered a name in this state prior to ~~January 1~~February 11, 13
2022, and every foreign limited liability company that has filed 14
an application for registration as a foreign limited liability 15
company prior to ~~January 1~~February 11, 2022, pursuant to Chapter 16
1705. of the Revised Code." 17
- In line 70850, after "1703.27," insert "1706.83," 18
- After line 87801, insert: 19

"Section 610.____. That Sections 4 and 5 of S.B. 276 of the 133rd General Assembly be amended to read as follows:

Sec. 4. Section 3 of S.B. 276 of the 133rd General Assembly shall take effect on ~~January 1~~February 11, 2022.

Sec. 5. The repeal of a statute by S.B. 276 of the 133rd General Assembly shall not affect an action commenced, proceeding brought, or right accrued prior to ~~January 1~~February 11, 2022.

Section 610.____. That existing Sections 4 and 5 of S.B. 276 of the 133rd General Assembly are hereby repealed."

The motion was _____ agreed to.

SYNOPSIS

Ohio Revised Limited Liability Company Act effective date R.C. 1706.83 and Section 610.____. Makes certain provisions of the Ohio Revised Limited Liability Company Act, S.B. 276 of the 133rd General Assembly, effective February 11, 2022, as opposed to January 1, 2022.

_____ moved to amend as follows:

1 After line 75160c, insert:

2 "GRF 055XXX Victims of Crime \$2,500,000 \$0"

3 In line 75161, add \$2,500,000 to fiscal year 2022

4 In line 75199, add \$2,500,000 to fiscal year 2022

5 After line 75370, insert:

6 "VICTIMS OF CRIME

7 The foregoing appropriation item 055XXX, Victims of Crime,
8 shall be allocated to the Crime Victim Compensation Program.
9 Prior to using the funds from this appropriation item, the
10 Attorney General shall, to the extent possible, first use funds
11 related to the federal Victims of Crime Act."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Attorney General**

15 **Sections 221.10 and 221.30**

16 Creates GRF appropriation item 055XXX, Victims of Crime,
17 with an appropriation of \$2,500,000 in fiscal year 2022, and
18 requires that amount to be allocated for the Crime Victim
19 Compensation Program. Requires the Attorney General to use
20 federal funding related to the Victim of Crimes Act first, to
21 the extent possible.

_____ moved to amend as follows:

1 Delete lines 82707 through 82709

2 In line 82710, delete "(G)" and insert "(F)"

3 The motion was _____ agreed to.

4 SYNOPSIS

5 **Department of Medicaid**

6 **Section 333.217**

7 Removes a House-added provision that requires the members
8 of the Joint Medicaid Oversight Committee to appoint a
9 subcommittee to make determinations about the progress of the
10 Medicaid Cost Assurance Pilot Program.

_____ moved to amend as follows:

1 In line 60 of the title, delete "3319.313, 3319.316,
2 3319.39,"

3 In line 257, delete "3319.313, 3319.316, 3319.39,"

4 Delete lines 35345 through 35435

5 Delete lines 35497 through 35684

6 In line 70871, delete "3319.313, 3319.316, 3319.39,"

7 In line 70991, delete "3319.39,"

8 Delete lines 76053 and 76053a

9 In line 76058, subtract \$170,000,000 from fiscal year 2022
10 and \$20,000,000 from fiscal year 2023

11 In line 76094, subtract \$170,000,000 from fiscal year 2022
12 and \$20,000,000 from fiscal year 2023

13 Delete lines 76450 through 76458

14 In line 77957, delete "200540,"

15 In line 77958, delete "Special Education Enhancements,"

16 In line 77962, delete "and"

17 In line 77963, after "districts" insert ", and state
18 scholarship programs"

19 In line 87171, delete "state institution of higher
20 education" and insert "state-supported community college, state
21 community college, or a technical college"

22 The motion was _____ agreed to.

23 SYNOPSIS

24 **LSC Corrective amendment**

25 **R.C. 3319.313, 3319.316, and 3319.39**

26 Removes R.C. 3319.313 and 3319.316 (reports of licensed
27 school employee misconduct) and R.C. 3319.39 (school pre-
28 employment criminal records checks) from the substitute bill
29 which should have been removed in SC2506 but was left off due to
30 a drafting oversight.

31 **Section 265.210**

32 **Department of Education**

33 Removes an outdated reference to appropriation item 200540,
34 Special Education Enhancements, as being a GRF item used to pay
35 state formula aid obligations. Also, specifies that the
36 remaining GRF appropriation items are used to pay state formula
37 aid obligations for state scholarship programs, to conform with
38 the bills direct funding of such programs.

39 **Department of Development**

40 **Sections 259.10 and 259.30**

41 Eliminates appropriations under Fund 5XU0 item 195567,
42 Residential Broadband Expansion Grants.

43 Eliminates the requirement that item 195567 be used for
44 grants under the Ohio Residential Broadband Expansion Grant
45 Program established in R.C. 122.401.

46 **Section 512.120**

47 **Department of Higher Education**

48 Clarifies that the bill's transfer of \$10,000,000 from the
49 GRF to the OhioMeansJobs Workforce Development Revolving Loan
50 Fund (Fund 5NH0) supports the appropriations made for need-based
51 financial aid to students enrolled in a short-term certificate
52 program at a community or technical college instead of at "a
53 state institution of higher education" to conform to the bill's
54 eligibility criteria for the awards.

_____ moved to amend as follows:

1 In line 43 of the title, after "3310.035," insert

2 "3310.07,"

3 In line 54 of the title, delete "3314.3553," and insert

4 "3314.353,"

5 In line 1478, after "and" insert "department of"

6 In line 1479, strike through "services agency"

7 In line 11601, after "the" insert "department of"; strike

8 through "services agency"

9 In line 13596, strike through "services"

10 In line 19230, delete "placement" and insert "placing"

11 Delete lines 28046 through 28136

12 In line 53811, delete "placement" and insert "placing"

13 In line 62551, strike through "services"

14 In line 63037, strike through "services"

15 In line 63040, strike through "of development services"

16 In line 63222, strike through "services"

17 In line 63554, strike through "services"

18 In line 63647, strike through "services"

19 In line 63684, strike through "services"

20 In line 63718, strike through "services"

- 21 In line 63724, strike through "services"
- 22 In line 63733, strike through "services"
- 23 In line 63788, strike through "services"
- 24 In line 63842, strike through "services"
- 25 In line 63894, strike through "services"
- 26 In line 69938, after "the" insert a space
- 27 In line 70926, delete "**Sec. 5703.95. ,**"
- 28 In line 70993, delete "4759.10,"
- 29 In line 73666, delete "and"
- 30 In line 73667, after "3727.99" insert ", and 5703.95"
- 31 In line 77909, after "DISTRICTS" insert a quotation mark
- 32 In line 77910, delete the second quotation mark
- 33 In line 83249, delete the comma
- 34 In line 87222, after "REVENUE" insert "FUND"
- 35 In line 89339, delete "5747.025,"
- 36 In line 89396, delete "(B) (2) (jj)" and insert "(F) (2) (jj)"

- 37 The motion was _____ agreed to.

38 SYNOPSIS

39 **LSC Technical amendment**

40 **Title; R.C. 3313.974, 3313.975, and 5902.09; Sections**
41 **105.01, 130.12, 265.210, 337.60, and 803.170**

42 Corrects various engrossing, typographical, punctuation,
43 and cross-reference errors. Removes the repeat occurrence of

SC3896

44 sections 3313.974 and 3313.975, which appear twice in the body
45 of the bill.

46 **R.C. 107.03, 187.03, 715.72, 5709.40, 5709.41, and 5727.75**

47 Corrects references to the Department of Development and
48 the Director of Development.

49 **R.C. 2151.4122 and 5103.57**

50 Corrects "private child placement agency" to "private child
51 placing agency."

52 **Section 512.190**

53 Corrects "General Revenue" to "General Revenue Fund."

54 **Sections 110.22 and 803.97**

55 Removes an erroneous reference to R.C. 5747.025, which is
56 not amended in this bill, and an erroneous reference to
57 R.C. 4759.10 as having been amended by H.B. 263 of the 133rd
58 General Assembly.

_____ moved to amend as follows:

1 In line 84497, delete "\$700,000 \$500,000" and insert
2 "\$825,000 \$625,000"

3 In line 84519, add \$125,000 to each fiscal year

4 In line 84546, add \$125,000 to each fiscal year

5 After line 85469, insert:

6 "Of the foregoing appropriation item 235533, Program and
7 Project Support, \$125,000 in each fiscal year shall be used by
8 the Chancellor of Higher Education to support the expansion of
9 an unmanned aviation STEM pilot program at Emmanuel Christian
10 Academy for public and nonpublic high school students in Clark
11 County."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Higher Education**

15 **Sections 381.10 and 381.287**

16 Increases GRF appropriation item 235533, Program and
17 Project Support, by \$125,000 in each fiscal year and earmarks
18 the same amount to be used for the expansion of an unmanned
19 aviation STEM pilot program at Emmanuel Christian Academy for
20 public or nonpublic high school students in Clark County.

_____ moved to amend as follows:

1 In line 84491, delete "\$11,843,339 \$11,977,652" and

2 insert "\$11,551,202 \$11,685,515"

3 In line 84505, delete "\$4,482,130 \$4,482,130" and insert

4 "\$4,883,340 \$4,883,340"

5 In line 84506, delete "\$4,544,568 \$4,544,568" and insert

6 "\$5,084,568 \$5,084,568"

7 In line 84519, add \$649,073 to each fiscal year

8 In line 84546, add \$649,073 to each fiscal year

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Higher Education**

12 **Section 381.10**

13 Decreases GRF appropriation item 235514, Central State
14 Supplement, by \$292,137 in each fiscal year, effectively
15 restoring item 235514 to the House-passed version of the bill.

16 Increases GRF appropriation item 235546, Central State
17 Agricultural Research and Development, by \$401,210 in each
18 fiscal year.

19 Increases GRF appropriation item 235548, Central State
20 Cooperative Extension Services, by \$540,000 in each fiscal year.

_____ moved to amend as follows:

1 In line 31 of the title, delete "1533.12,"

2 In line 235, delete "1533.12,"

3 Delete lines 16320 through 16429

4 In line 70849, delete "1533.12,"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Veterans hunting and fishing benefits - remove provisions**

8 **R.C. 1533.12**

9 Removes provisions of the bill that do the following:

10 1. Eliminate the Ohio residency requirement for a veteran
11 who wishes to obtain a free hunting or fishing license, deer,
12 wild turkey, or fur taker permit, or wetlands habitat stamp;

13 2. Replace the requirement that a veteran receive a pension
14 or compensation from the U.S. Department of Veterans Affairs
15 (formerly the Veterans Administration) in order to receive a
16 free license, permit, or stamp with the requirement that the
17 veteran receive either:

18 -- A nonservice connected pension; or

19 -- Service connected disability compensation with
20 entitlement to dependents' education assistance benefits
21 administered by the U.S. Department of Veterans Affairs.

Sub. H.B. 110

L-134-0001-5

DOHCD38

DOHCD39

_____ moved to amend as follows:

- In line 3 of the title, after "109.08," insert "109.57," 1
- In line 17 of the title, after "169.07," insert "173.38,
173.381," 2
3
- In line 25 of the title, after "1333.15," insert "1337.11," 4
- In line 34 of the title, after "1907.15," insert "2133.01," 5
- In line 36 of the title, after "2303.05," insert "2317.54," 6
- In line 71 of the title, after "3701.132," insert 7
"3701.362,"; after "3701.831" insert "3701.881, 3701.916," 8
- In line 88 of the title, after "4713.02," insert "4715.36,
4719.01, 4723.431, 4729.43," 9
10
- In line 96 of the title, after "5101.341," insert "5101.63," 11
- In line 107 of the title, after "5163.061," insert "5164.34,
5164.342" 12
13
- In line 128 of the title, after "(155.37)," insert "3701.881
(3740.11)," 14
15
- In line 146 of the title, after "3736.021," insert "3740.01,
3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.99," 16
17

In line 214, after "109.08," insert "109.57,"	18
In line 255, after "169.07," insert "173.38, 173.381,"	19
In line 231, after "1333.15," insert "1337.11,"	20
In line 237, after "1907.15," insert "2133.01,"	21
In line 238, after "2303.05," insert "2317.54,"	22
In line 264, after "3701.132," insert "3701.362,"	23
In line 265, after "3701.831" insert "3701.881, 3701.916,"	24
In line 277, after "4713.02" insert "4715.36, 4719.01, 4723.431, 4729.43,"	25 26
In line 282, after "5101.341," insert "5101.63,"	27
In line 291, after "5163.061," insert "5164.34, 5164.342"	28
In line 305, after "(155.37)," insert "3701.881 (3740.11),"	29
In line 320, after "3736.021," insert "3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.99,"	30 31
After line 1591, insert:	32
"Sec. 109.57. (A)(1) The superintendent of the bureau of	33
criminal identification and investigation shall procure from	34
wherever procurable and file for record photographs, pictures,	35
descriptions, fingerprints, measurements, and other information	36
that may be pertinent of all persons who have been convicted of	37
committing within this state a felony, any crime constituting a	38
misdemeanor on the first offense and a felony on subsequent	39
offenses, or any misdemeanor described in division (A)(1)(a),	40
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of	41
all children under eighteen years of age who have been adjudicated	42
delinquent children for committing within this state an act that	43
would be a felony or an offense of violence if committed by an	44

adult or who have been convicted of or pleaded guilty to 45
committing within this state a felony or an offense of violence, 46
and of all well-known and habitual criminals. The person in charge 47
of any county, multicounty, municipal, municipal-county, or 48
multicounty-municipal jail or workhouse, community-based 49
correctional facility, halfway house, alternative residential 50
facility, or state correctional institution and the person in 51
charge of any state institution having custody of a person 52
suspected of having committed a felony, any crime constituting a 53
misdemeanor on the first offense and a felony on subsequent 54
offenses, or any misdemeanor described in division (A)(1)(a), 55
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 56
having custody of a child under eighteen years of age with respect 57
to whom there is probable cause to believe that the child may have 58
committed an act that would be a felony or an offense of violence 59
if committed by an adult shall furnish such material to the 60
superintendent of the bureau. Fingerprints, photographs, or other 61
descriptive information of a child who is under eighteen years of 62
age, has not been arrested or otherwise taken into custody for 63
committing an act that would be a felony or an offense of violence 64
who is not in any other category of child specified in this 65
division, if committed by an adult, has not been adjudicated a 66
delinquent child for committing an act that would be a felony or 67
an offense of violence if committed by an adult, has not been 68
convicted of or pleaded guilty to committing a felony or an 69
offense of violence, and is not a child with respect to whom there 70
is probable cause to believe that the child may have committed an 71
act that would be a felony or an offense of violence if committed 72
by an adult shall not be procured by the superintendent or 73
furnished by any person in charge of any county, multicounty, 74
municipal, municipal-county, or multicounty-municipal jail or 75

workhouse, community-based correctional facility, halfway house, 76
 alternative residential facility, or state correctional 77
 institution, except as authorized in section 2151.313 of the 78
 Revised Code. 79

(2) Every clerk of a court of record in this state, other 80
 than the supreme court or a court of appeals, shall send to the 81
 superintendent of the bureau a weekly report containing a summary 82
 of each case involving a felony, involving any crime constituting 83
 a misdemeanor on the first offense and a felony on subsequent 84
 offenses, involving a misdemeanor described in division (A)(1)(a), 85
 (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 86
 involving an adjudication in a case in which a child under 87
 eighteen years of age was alleged to be a delinquent child for 88
 committing an act that would be a felony or an offense of violence 89
 if committed by an adult. The clerk of the court of common pleas 90
 shall include in the report and summary the clerk sends under this 91
 division all information described in divisions (A)(2)(a) to (f) 92
 of this section regarding a case before the court of appeals that 93
 is served by that clerk. The summary shall be written on the 94
 standard forms furnished by the superintendent pursuant to 95
 division (B) of this section and shall include the following 96
 information: 97

(a) The incident tracking number contained on the standard 98
 forms furnished by the superintendent pursuant to division (B) of 99
 this section; 100

(b) The style and number of the case; 101

(c) The date of arrest, offense, summons, or arraignment; 102

(d) The date that the person was convicted of or pleaded 103
 guilty to the offense, adjudicated a delinquent child for 104

committing the act that would be a felony or an offense of
violence if committed by an adult, found not guilty of the
offense, or found not to be a delinquent child for committing an
act that would be a felony or an offense of violence if committed
by an adult, the date of an entry dismissing the charge, an entry
declaring a mistrial of the offense in which the person is
discharged, an entry finding that the person or child is not
competent to stand trial, or an entry of a nolle prosequi, or the
date of any other determination that constitutes final resolution
of the case;

(e) A statement of the original charge with the section of
the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or
was adjudicated a delinquent child, the sentence or terms of
probation imposed or any other disposition of the offender or the
delinquent child.

If the offense involved the disarming of a law enforcement
officer or an attempt to disarm a law enforcement officer, the
clerk shall clearly state that fact in the summary, and the
superintendent shall ensure that a clear statement of that fact is
placed in the bureau's records.

(3) The superintendent shall cooperate with and assist
sheriffs, chiefs of police, and other law enforcement officers in
the establishment of a complete system of criminal identification
and in obtaining fingerprints and other means of identification of
all persons arrested on a charge of a felony, any crime
constituting a misdemeanor on the first offense and a felony on
subsequent offenses, or a misdemeanor described in division
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the
Revised Code and of all children under eighteen years of age

arrested or otherwise taken into custody for committing an act 135
that would be a felony or an offense of violence if committed by 136
an adult. The superintendent also shall file for record the 137
fingerprint impressions of all persons confined in a county, 138
multicounty, municipal, municipal-county, or multicounty-municipal 139
jail or workhouse, community-based correctional facility, halfway 140
house, alternative residential facility, or state correctional 141
institution for the violation of state laws and of all children 142
under eighteen years of age who are confined in a county, 143
multicounty, municipal, municipal-county, or multicounty-municipal 144
jail or workhouse, community-based correctional facility, halfway 145
house, alternative residential facility, or state correctional 146
institution or in any facility for delinquent children for 147
committing an act that would be a felony or an offense of violence 148
if committed by an adult, and any other information that the 149
superintendent may receive from law enforcement officials of the 150
state and its political subdivisions. 151

(4) The superintendent shall carry out Chapter 2950. of the 152
Revised Code with respect to the registration of persons who are 153
convicted of or plead guilty to a sexually oriented offense or a 154
child-victim oriented offense and with respect to all other duties 155
imposed on the bureau under that chapter. 156

(5) The bureau shall perform centralized recordkeeping 157
functions for criminal history records and services in this state 158
for purposes of the national crime prevention and privacy compact 159
set forth in section 109.571 of the Revised Code and is the 160
criminal history record repository as defined in that section for 161
purposes of that compact. The superintendent or the 162
superintendent's designee is the compact officer for purposes of 163
that compact and shall carry out the responsibilities of the 164
compact officer specified in that compact. 165

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to be known as the Ohio law enforcement gateway to gather and disseminate information, data, and statistics for the use of law enforcement agencies and for other uses specified in this division. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together

with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections. 197
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(2) The superintendent or the superintendent's designee shall gather information of the nature described in division (C)(1) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for inclusion in the state registry of sex offenders and child-victim offenders maintained pursuant to division (A)(1) of section 2950.13 of the Revised Code and in the internet database operated pursuant to division (A)(13) of that section and for possible inclusion in the internet database operated pursuant to division (A)(11) of that section. 199
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(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section. 211
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(4) The Ohio law enforcement gateway shall contain the name, confidential address, and telephone number of program participants in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code. 217
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(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under 221
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Chapter 119. of the Revised Code that grant access to information 227
 in the gateway regarding an address confidentiality program 228
 participant under sections 111.41 to 111.47 of the Revised Code to 229
 only chiefs of police, village marshals, county sheriffs, county 230
 prosecuting attorneys, and a designee of each of these 231
 individuals. The attorney general shall permit the state medical 232
 board and board of nursing to access and view, but not alter, 233
 information gathered and disseminated through the Ohio law 234
 enforcement gateway. 235

The attorney general may appoint a steering committee to 236
 advise the attorney general in the operation of the Ohio law 237
 enforcement gateway that is comprised of persons who are 238
 representatives of the criminal justice agencies in this state 239
 that use the Ohio law enforcement gateway and is chaired by the 240
 superintendent or the superintendent's designee. 241

(D)(1) The following are not public records under section 242
 149.43 of the Revised Code: 243

(a) Information and materials furnished to the superintendent 244
 pursuant to division (A) of this section; 245

(b) Information, data, and statistics gathered or 246
 disseminated through the Ohio law enforcement gateway pursuant to 247
 division (C)(1) of this section; 248

(c) Information and materials furnished to any board or 249
 person under division (F) or (G) of this section. 250

(2) The superintendent or the superintendent's designee shall 251
 gather and retain information so furnished under division (A) of 252
 this section that pertains to the offense and delinquency history 253
 of a person who has been convicted of, pleaded guilty to, or been 254
 adjudicated a delinquent child for committing a sexually oriented 255

offense or a child-victim oriented offense for the purposes 256
described in division (C)(2) of this section. 257

(E)(1) The attorney general shall adopt rules, in accordance 258
with Chapter 119. of the Revised Code and subject to division 259
(E)(2) of this section, setting forth the procedure by which a 260
person may receive or release information gathered by the 261
superintendent pursuant to division (A) of this section. A 262
reasonable fee may be charged for this service. If a temporary 263
employment service submits a request for a determination of 264
whether a person the service plans to refer to an employment 265
position has been convicted of or pleaded guilty to an offense 266
listed or described in division (A)(1), (2), or (3) of section 267
109.572 of the Revised Code, the request shall be treated as a 268
single request and only one fee shall be charged. 269

(2) Except as otherwise provided in this division or division 270
(E)(3) or (4) of this section, a rule adopted under division 271
(E)(1) of this section may provide only for the release of 272
information gathered pursuant to division (A) of this section that 273
relates to the conviction of a person, or a person's plea of 274
guilty to, a criminal offense or to the arrest of a person as 275
provided in division (E)(3) of this section. The superintendent 276
shall not release, and the attorney general shall not adopt any 277
rule under division (E)(1) of this section that permits the 278
release of, any information gathered pursuant to division (A) of 279
this section that relates to an adjudication of a child as a 280
delinquent child, or that relates to a criminal conviction of a 281
person under eighteen years of age if the person's case was 282
transferred back to a juvenile court under division (B)(2) or (3) 283
of section 2152.121 of the Revised Code and the juvenile court 284
imposed a disposition or serious youthful offender disposition 285
upon the person under either division, unless either of the 286

following applies with respect to the adjudication or conviction:	287
(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.	288 289
(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.	290 291 292 293 294 295 296 297
(3) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:	298 299 300 301 302 303
(a) The arrest was made outside of this state.	304
(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records check is performed.	305 306 307
(c) The bureau cannot reasonably determine whether a criminal action resulting from the arrest is pending, and not more than one year has elapsed since the date of the arrest.	308 309 310
(4) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was	311 312 313 314 315

for an act that would have been a felony if committed by an adult, 316
the records of the adjudication have not been sealed or expunged 317
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 318
the request for information is made under division (F) of this 319
section or under section 109.572 of the Revised Code. In the case 320
of an adjudication for a violation of the terms of community 321
control or supervised release, the five-year period shall be 322
calculated from the date of the adjudication to which the 323
community control or supervised release pertains. 324

(F)(1) As used in division (F)(2) of this section, "head 325
start agency" means an entity in this state that has been approved 326
to be an agency for purposes of subchapter II of the "Community 327
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 328
as amended. 329

(2)(a) In addition to or in conjunction with any request that 330
is required to be made under section 109.572, 2151.86, 3301.32, 331
3301.541, division (C) of section 3310.58, or section 3319.39, 332
3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 333
5153.111 of the Revised Code or that is made under section 334
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 335
board of education of any school district; the director of 336
developmental disabilities; any county board of developmental 337
disabilities; any provider or subcontractor as defined in section 338
5123.081 of the Revised Code; the chief administrator of any 339
chartered nonpublic school; the chief administrator of a 340
registered private provider that is not also a chartered nonpublic 341
school; the chief administrator of any home health agency; the 342
chief administrator of or person operating any child day-care 343
center, type A family day-care home, or type B family day-care 344
home licensed under Chapter 5104. of the Revised Code; the chief 345
administrator of any head start agency; the executive director of 346

a public children services agency; a private company described in 347
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 348
Code; or an employer described in division (J)(2) of section 349
3327.10 of the Revised Code may request that the superintendent of 350
the bureau investigate and determine, with respect to any 351
individual who has applied for employment in any position after 352
October 2, 1989, or any individual wishing to apply for employment 353
with a board of education may request, with regard to the 354
individual, whether the bureau has any information gathered under 355
division (A) of this section that pertains to that individual. On 356
receipt of the request, subject to division (E)(2) of this 357
section, the superintendent shall determine whether that 358
information exists and, upon request of the person, board, or 359
entity requesting information, also shall request from the federal 360
bureau of investigation any criminal records it has pertaining to 361
that individual. The superintendent or the superintendent's 362
designee also may request criminal history records from other 363
states or the federal government pursuant to the national crime 364
prevention and privacy compact set forth in section 109.571 of the 365
Revised Code. Within thirty days of the date that the 366
superintendent receives a request, subject to division (E)(2) of 367
this section, the superintendent shall send to the board, entity, 368
or person a report of any information that the superintendent 369
determines exists, including information contained in records that 370
have been sealed under section 2953.32 of the Revised Code, and, 371
within thirty days of its receipt, subject to division (E)(2) of 372
this section, shall send the board, entity, or person a report of 373
any information received from the federal bureau of investigation, 374
other than information the dissemination of which is prohibited by 375
federal law. 376

(b) When a board of education or a registered private 377

provider is required to receive information under this section as 378
a prerequisite to employment of an individual pursuant to division 379
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 380
may accept a certified copy of records that were issued by the 381
bureau of criminal identification and investigation and that are 382
presented by an individual applying for employment with the 383
district in lieu of requesting that information itself. In such a 384
case, the board shall accept the certified copy issued by the 385
bureau in order to make a photocopy of it for that individual's 386
employment application documents and shall return the certified 387
copy to the individual. In a case of that nature, a district or 388
provider only shall accept a certified copy of records of that 389
nature within one year after the date of their issuance by the 390
bureau. 391

(c) Notwithstanding division (F)(2)(a) of this section, in 392
the case of a request under section 3319.39, 3319.391, or 3327.10 393
of the Revised Code only for criminal records maintained by the 394
federal bureau of investigation, the superintendent shall not 395
determine whether any information gathered under division (A) of 396
this section exists on the person for whom the request is made. 397

(3) The state board of education may request, with respect to 398
any individual who has applied for employment after October 2, 399
1989, in any position with the state board or the department of 400
education, any information that a school district board of 401
education is authorized to request under division (F)(2) of this 402
section, and the superintendent of the bureau shall proceed as if 403
the request has been received from a school district board of 404
education under division (F)(2) of this section. 405

(4) When the superintendent of the bureau receives a request 406
for information under section 3319.291 of the Revised Code, the 407

superintendent shall proceed as if the request has been received 408
from a school district board of education and shall comply with 409
divisions (F)(2)(a) and (c) of this section. 410

(G) In addition to or in conjunction with any request that is 411
required to be made under section ~~3701.881~~, 3712.09, ~~or~~ 3721.121, 412
or 3740.11 of the Revised Code with respect to an individual who 413
has applied for employment in a position that involves providing 414
direct care to an older adult or adult resident, the chief 415
administrator of a home health agency, hospice care program, home 416
licensed under Chapter 3721. of the Revised Code, or adult 417
day-care program operated pursuant to rules adopted under section 418
3721.04 of the Revised Code may request that the superintendent of 419
the bureau investigate and determine, with respect to any 420
individual who has applied after January 27, 1997, for employment 421
in a position that does not involve providing direct care to an 422
older adult or adult resident, whether the bureau has any 423
information gathered under division (A) of this section that 424
pertains to that individual. 425

In addition to or in conjunction with any request that is 426
required to be made under section 173.27 of the Revised Code with 427
respect to an individual who has applied for employment in a 428
position that involves providing ombudsman services to residents 429
of long-term care facilities or recipients of community-based 430
long-term care services, the state long-term care ombudsman, the 431
director of aging, a regional long-term care ombudsman program, or 432
the designee of the ombudsman, director, or program may request 433
that the superintendent investigate and determine, with respect to 434
any individual who has applied for employment in a position that 435
does not involve providing such ombudsman services, whether the 436
bureau has any information gathered under division (A) of this 437
section that pertains to that applicant. 438

In addition to or in conjunction with any request that is 439
required to be made under section 173.38 of the Revised Code with 440
respect to an individual who has applied for employment in a 441
direct-care position, the chief administrator of a provider, as 442
defined in section 173.39 of the Revised Code, may request that 443
the superintendent investigate and determine, with respect to any 444
individual who has applied for employment in a position that is 445
not a direct-care position, whether the bureau has any information 446
gathered under division (A) of this section that pertains to that 447
applicant. 448

In addition to or in conjunction with any request that is 449
required to be made under section 3712.09 of the Revised Code with 450
respect to an individual who has applied for employment in a 451
position that involves providing direct care to a pediatric 452
respite care patient, the chief administrator of a pediatric 453
respite care program may request that the superintendent of the 454
bureau investigate and determine, with respect to any individual 455
who has applied for employment in a position that does not involve 456
providing direct care to a pediatric respite care patient, whether 457
the bureau has any information gathered under division (A) of this 458
section that pertains to that individual. 459

On receipt of a request under this division, the 460
superintendent shall determine whether that information exists 461
and, on request of the individual requesting information, shall 462
also request from the federal bureau of investigation any criminal 463
records it has pertaining to the applicant. The superintendent or 464
the superintendent's designee also may request criminal history 465
records from other states or the federal government pursuant to 466
the national crime prevention and privacy compact set forth in 467
section 109.571 of the Revised Code. Within thirty days of the 468
date a request is received, subject to division (E)(2) of this 469

section, the superintendent shall send to the requester a report 470
of any information determined to exist, including information 471
contained in records that have been sealed under section 2953.32 472
of the Revised Code, and, within thirty days of its receipt, shall 473
send the requester a report of any information received from the 474
federal bureau of investigation, other than information the 475
dissemination of which is prohibited by federal law. 476

(H) Information obtained by a government entity or person 477
under this section is confidential and shall not be released or 478
disseminated. 479

(I) The superintendent may charge a reasonable fee for 480
providing information or criminal records under division (F)(2) or 481
(G) of this section. 482

(J) As used in this section: 483

(1) "Pediatric respite care program" and "pediatric care 484
patient" have the same meanings as in section 3712.01 of the 485
Revised Code. 486

(2) "Sexually oriented offense" and "child-victim oriented 487
offense" have the same meanings as in section 2950.01 of the 488
Revised Code. 489

(3) "Registered private provider" means a nonpublic school or 490
entity registered with the superintendent of public instruction 491
under section 3310.41 of the Revised Code to participate in the 492
autism scholarship program or section 3310.58 of the Revised Code 493
to participate in the Jon Peterson special needs scholarship 494
program." 495

In line 1655, strike through "3701.881" and insert "3740.11" 496

In line 2010, strike through "3701.881" and insert "3740.11" 497

After line 11001, insert:	498
"Sec. 173.38. (A) As used in this section:	499
(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.	500 501 502 503 504 505
(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.	506 507
(3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.	508 509
(4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.	510 511 512 513
(5) "Consumer" means an individual who receives community-based long-term care services.	514 515
(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	516 517
(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:	518 519
(i) In-person contact with one or more consumers;	520
(ii) Access to one or more consumers' personal property or records.	521 522
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the	523 524

Revised Code.	525
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	526 527 528
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	529 530 531 532 533 534
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	535 536
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	537 538
(12) "Responsible party" means the following:	539
(a) An area agency on aging in the case of either of the following:	540 541
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	542 543 544 545
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	546 547 548 549
(b) A PASSPORT administrative agency in the case of either of the following:	550 551
(i) A person who is an applicant because the person is under	552

final consideration for employment with the agency in a full-time,	553
part-time, or temporary direct-care position or is referred to the	554
agency by an employment service for such a position;	555
(ii) A person who is an employee because the person is	556
employed by the agency in a full-time, part-time, or temporary	557
direct-care position or works in such a position due to being	558
referred to the agency by an employment service.	559
(c) A provider in the case of either of the following:	560
(i) A person who is an applicant because the person is under	561
final consideration for employment with the provider in a	562
full-time, part-time, or temporary direct-care position or is	563
referred to the provider by an employment service for such a	564
position;	565
(ii) A person who is an employee because the person is	566
employed by the provider in a full-time, part-time, or temporary	567
direct-care position or works in such a position due to being	568
referred to the provider by an employment service.	569
(d) A subcontractor in the case of either of the following:	570
(i) A person who is an applicant because the person is under	571
final consideration for employment with the subcontractor in a	572
full-time, part-time, or temporary direct-care position or is	573
referred to the subcontractor by an employment service for such a	574
position;	575
(ii) A person who is an employee because the person is	576
employed by the subcontractor in a full-time, part-time, or	577
temporary direct-care position or works in such a position due to	578
being referred to the subcontractor by an employment service.	579
(e) A consumer in the case of either of the following:	580

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or ~~3701.881~~ 3740.11 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code.

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a direct-care position.

(2) After the applicant or employee is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) Except as provided by division (G) of this section, the chief administrator of a responsible party shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the responsible party by an employment service for a direct-care position:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained 669
 by the office of inspector general in the United States department 670
 of health and human services pursuant to the "Social Security 671
 Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 672

(3) The registry of developmental disabilities employees 673
 established under section 5123.52 of the Revised Code; 674

(4) The internet-based sex offender and child-victim offender 675
 database established under division (A)(11) of section 2950.13 of 676
 the Revised Code; 677

(5) The internet-based database of inmates established under 678
 section 5120.66 of the Revised Code; 679

(6) The state nurse aide registry established under section 680
 3721.32 of the Revised Code; 681

(7) Any other database, if any, specified in rules adopted 682
 under this section. 683

(F)(1) As a condition of employing any applicant in a 684
 direct-care position, the chief administrator of a responsible 685
 party shall request that the superintendent of the bureau of 686
 criminal identification and investigation conduct a criminal 687
 records check of the applicant. If rules adopted under this 688
 section so require, the chief administrator of a responsible party 689
 shall request that the superintendent conduct a criminal records 690
 check of an employee at times specified in the rules as a 691
 condition of continuing to employ the employee in a direct-care 692
 position. However, the chief administrator is not required to 693
 request the criminal records check of the applicant or employee if 694
 division (G) of this section applies or the responsible party is 695
 prohibited by division (C)(1) of this section from employing the 696
 applicant or continuing to employ the employee in a direct-care 697

position. If an applicant or employee for whom a criminal records
check request is required by this section does not present proof
of having been a resident of this state for the five-year period
immediately prior to the date the criminal records check is
requested or provide evidence that within that five-year period
the superintendent has requested information about the applicant
or employee from the federal bureau of investigation in a criminal
records check, the chief administrator shall request that the
superintendent obtain information from the federal bureau of
investigation as part of the criminal records check. Even if an
applicant or employee for whom a criminal records check request is
required by this section presents proof of having been a resident
of this state for the five-year period, the chief administrator
may request that the superintendent include information from the
federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following: 713

(a) Provide to each applicant and employee for whom a
criminal records check request is required by this section a copy
of the form prescribed pursuant to division (C)(1) of section
109.572 of the Revised Code and a standard impression sheet
prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet
from the applicant or employee;

(c) Forward the completed form and standard impression sheet
to the superintendent.

(3) A responsible party shall pay to the bureau of criminal
identification and investigation the fee prescribed pursuant to
division (C)(3) of section 109.572 of the Revised Code for each
criminal records check the responsible party requests under this
section. A responsible party may charge an applicant a fee not

exceeding the amount the responsible party pays to the bureau 728
under this section if both of the following apply: 729

(a) The responsible party notifies the applicant at the time 730
of initial application for employment of the amount of the fee and 731
that, unless the fee is paid, the applicant will not be considered 732
for employment. 733

(b) The medicaid program does not pay the responsible party 734
for the fee it pays to the bureau under this section. 735

(G) Divisions (D) to (F) of this section do not apply with 736
regard to an applicant or employee if the applicant or employee is 737
referred to a responsible party by an employment service that 738
supplies full-time, part-time, or temporary staff for direct-care 739
positions and both of the following apply: 740

(1) The chief administrator of the responsible party receives 741
from the employment service confirmation that a review of the 742
databases listed in division (E) of this section was conducted of 743
the applicant or employee. 744

(2) The chief administrator of the responsible party receives 745
from the employment service, applicant, or employee a report of 746
the results of a criminal records check of the applicant or 747
employee that has been conducted by the superintendent within the 748
one-year period immediately preceding the following: 749

(a) In the case of an applicant, the date of the applicant's 750
referral by the employment service to the responsible party; 751

(b) In the case of an employee, the date by which the 752
responsible party would otherwise have to request a criminal 753
records check of the employee under division (F) of this section. 754

(H)(1) A responsible party may employ conditionally an 755
applicant for whom a criminal records check request is required by 756

this section prior to obtaining the results of the criminal
records check if the responsible party is not prohibited by
division (C)(1) of this section from employing the applicant in a
direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests
the criminal records check in accordance with division (F) of this
section before conditionally employing the applicant.

(b) The applicant is referred to the responsible party by an
employment service, the employment service or the applicant
provides the chief administrator of the responsible party a letter
that is on the letterhead of the employment service, the letter is
dated and signed by a supervisor or another designated official of
the employment service, and the letter states all of the
following:

(i) That the employment service has requested the
superintendent to conduct a criminal records check regarding the
applicant;

(ii) That the requested criminal records check is to include
a determination of whether the applicant has been convicted of,
pleaded guilty to, or been found eligible for intervention in lieu
of conviction for a disqualifying offense;

(iii) That the employment service has not received the
results of the criminal records check as of the date set forth on
the letter;

(iv) That the employment service promptly will send a copy of
the results of the criminal records check to the chief
administrator of the responsible party when the employment service
receives the results.

(2) If a responsible party employs an applicant conditionally

pursuant to division (H)(1)(b) of this section, the employment 786
service, on its receipt of the results of the criminal records 787
check, promptly shall send a copy of the results to the chief 788
administrator of the responsible party. 789

(3) A responsible party that employs an applicant 790
conditionally pursuant to division (H)(1)(a) or (b) of this 791
section shall terminate the applicant's employment if the results 792
of the criminal records check, other than the results of any 793
request for information from the federal bureau of investigation, 794
are not obtained within the period ending sixty days after the 795
date the request for the criminal records check is made. 796
Regardless of when the results of the criminal records check are 797
obtained, if the results indicate that the applicant has been 798
convicted of, pleaded guilty to, or been found eligible for 799
intervention in lieu of conviction for a disqualifying offense, 800
the responsible party shall terminate the applicant's employment 801
unless the applicant meets standards specified in rules adopted 802
under this section that permit the responsible party to employ the 803
applicant and the responsible party chooses to employ the 804
applicant. Termination of employment under this division shall be 805
considered just cause for discharge for purposes of division 806
(D)(2) of section 4141.29 of the Revised Code if the applicant 807
makes any attempt to deceive the responsible party about the 808
applicant's criminal record. 809

(I) The report of any criminal records check conducted 810
pursuant to a request made under this section is not a public 811
record for the purposes of section 149.43 of the Revised Code and 812
shall not be made available to any person other than the 813
following: 814

(1) The applicant or employee who is the subject of the 815

criminal records check or the applicant's or employee's	816
representative;	817
(2) The chief administrator of the responsible party	818
requesting the criminal records check or the administrator's	819
representative;	820
(3) The administrator of any other facility, agency, or	821
program that provides community-based long-term care services that	822
is owned or operated by the same entity that owns or operates the	823
responsible party that requested the criminal records check;	824
(4) The employment service that requested the criminal	825
records check;	826
(5) The director of aging or a person authorized by the	827
director to monitor a responsible party's compliance with this	828
section;	829
(6) The medicaid director and the staff of the department of	830
medicaid who are involved in the administration of the medicaid	831
program if any of the following apply:	832
(a) In the case of a criminal records check requested by a	833
provider or subcontractor, the provider or subcontractor also is a	834
waiver agency;	835
(b) In the case of a criminal records check requested by an	836
employment service, the employment service makes the request for	837
an applicant or employee the employment service refers to a	838
provider or subcontractor that also is a waiver agency;	839
(c) The criminal records check is requested by a consumer who	840
is acting as a responsible party.	841
(7) A court, hearing officer, or other necessary individual	842
involved in a case dealing with any of the following:	843

- (a) A denial of employment of the applicant or employee; 844
- (b) Employment or unemployment benefits of the applicant or 845
employee; 846
- (c) A civil or criminal action regarding the medicaid program 847
or a program the department of aging administers. 848
- (J) In a tort or other civil action for damages that is 849
brought as the result of an injury, death, or loss to person or 850
property caused by an applicant or employee who a responsible 851
party employs in a direct-care position, all of the following 852
shall apply: 853
- (1) If the responsible party employed the applicant or 854
employee in good faith and reasonable reliance on the report of a 855
criminal records check requested under this section, the 856
responsible party shall not be found negligent solely because of 857
its reliance on the report, even if the information in the report 858
is determined later to have been incomplete or inaccurate. 859
- (2) If the responsible party employed the applicant in good 860
faith on a conditional basis pursuant to division (H) of this 861
section, the responsible party shall not be found negligent solely 862
because it employed the applicant prior to receiving the report of 863
a criminal records check requested under this section. 864
- (3) If the responsible party in good faith employed the 865
applicant or employee because the applicant or employee meets 866
standards specified in rules adopted under this section, the 867
responsible party shall not be found negligent solely because the 868
applicant or employee has been convicted of, pleaded guilty to, or 869
been found eligible for intervention in lieu of conviction for a 870
disqualifying offense. 871
- (K) The director of aging shall adopt rules in accordance 872

with Chapter 119. of the Revised Code to implement this section.	873
(1) The rules may do the following:	874
(a) Require employees to undergo database reviews and criminal records checks under this section;	875 876
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	877 878 879
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	880 881 882
(2) The rules shall specify all of the following:	883
(a) The meaning of the term "subcontractor";	884
(b) The procedures for conducting database reviews under this section;	885 886
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	887 888 889 890
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	891 892 893 894 895
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty	896 897 898 899 900

to, or been found eligible for intervention in lieu of conviction 901
for a disqualifying offense. 902

Sec. 173.381. (A) As used in this section: 903

(1) "Community-based long-term care services" means 904
community-based long-term care services, as defined in section 905
173.14 of the Revised Code, that are provided under a program the 906
department of aging administers. 907

(2) "Community-based long-term care services certificate" 908
means a certificate issued under section 173.391 of the Revised 909
Code. 910

(3) "Community-based long-term care services contract or 911
grant" means a contract or grant awarded under section 173.392 of 912
the Revised Code. 913

(4) "Criminal records check" has the same meaning as in 914
section 109.572 of the Revised Code. 915

(5) "Disqualifying offense" means any of the offenses listed 916
or described in divisions (A)(3)(a) to (e) of section 109.572 of 917
the Revised Code. 918

(6) "Provider" has the same meaning as in section 173.39 of 919
the Revised Code. 920

(7) "Self-employed provider" means a provider who works for 921
the provider's self and has no employees. 922

(B) This section does not apply to any individual who is 923
subject to a database review or criminal records check under 924
section ~~3701.881~~ 3740.11 of the Revised Code. 925

(C)(1) The department of aging or its designee shall take the 926
following actions when the circumstances specified in division 927

(C)(2) of this section apply:	928
(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;	929 930
(b) Revoke a self-employed provider's community-based long-term care services certificate;	931 932
(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;	933 934
(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	935 936 937
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:	938 939 940
(a) A review of the databases listed in division (E) of this section reveals any of the following:	941 942
(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;	943 944 945
(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;	946 947 948 949 950 951
(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a	952 953 954 955

self-employed provider is included in such a database. 956

(b) After the self-employed provider is provided, pursuant to 957
division (F)(2)(a) of this section, a copy of the form prescribed 958
pursuant to division (C)(1) of section 109.572 of the Revised Code 959
and the standard impression sheet prescribed pursuant to division 960
(C)(2) of that section, the self-employed provider fails to 961
complete the form or provide the self-employed provider's 962
fingerprint impressions on the standard impression sheet. 963

(c) Unless the self-employed provider meets standards 964
specified in rules adopted under this section, the self-employed 965
provider is found by a criminal records check required by this 966
section to have been convicted of, pleaded guilty to, or been 967
found eligible for intervention in lieu of conviction for a 968
disqualifying offense. 969

(D) The department of aging or its designee shall inform each 970
self-employed provider of both of the following at the time of the 971
self-employed provider's initial application for a community-based 972
long-term care services certificate or initial bid for a 973
community-based long-term care services contract or grant: 974

(1) That a review of the databases listed in division (E) of 975
this section will be conducted to determine whether the department 976
or its designee is required by division (C) of this section to 977
refuse to issue or award a community-based long-term care services 978
certificate or community-based long-term care services contract or 979
grant to the self-employed provider; 980

(2) That, unless the database review reveals that the 981
department or its designee is required to refuse to issue or award 982
a community-based long-term care services certificate or 983
community-based long-term care services contract or grant to the 984
self-employed provider, a criminal records check of the 985

self-employed provider will be conducted and the self-employed 986
 provider is required to provide a set of the self-employed 987
 provider's fingerprint impressions as part of the criminal records 988
 check. 989

(E) As a condition of issuing or awarding a community-based 990
 long-term care services certificate or community-based long-term 991
 care services contract or grant to a self-employed provider, the 992
 department of aging or its designee shall conduct a database 993
 review of the self-employed provider in accordance with rules 994
 adopted under this section. If rules adopted under this section so 995
 require, the department or its designee shall conduct a database 996
 review of a self-employed provider in accordance with the rules as 997
 a condition of not revoking or terminating the self-employed 998
 provider's community-based long-term care services certificate or 999
 community-based long-term care services contract or grant. A 1000
 database review shall determine whether the self-employed provider 1001
 is included in any of the following: 1002

(1) The excluded parties list system that is maintained by 1003
 the United States general services administration pursuant to 1004
 subpart 9.4 of the federal acquisition regulation and available at 1005
 the federal web site known as the system for award management; 1006

(2) The list of excluded individuals and entities maintained 1007
 by the office of inspector general in the United States department 1008
 of health and human services pursuant to the "Social Security 1009
 Act," 42 U.S.C. 1320a-7 and 1320c-5; 1010

(3) The registry of developmental disabilities employees 1011
 established under section 5123.52 of the Revised Code; 1012

(4) The internet-based sex offender and child-victim offender 1013
 database established under division (A)(11) of section 2950.13 of 1014
 the Revised Code; 1015

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	1016 1017
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	1018 1019
(7) Any other database, if any, specified in rules adopted under this section.	1020 1021
(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the self-employed provider. If rules adopted under this section so require, the department or its designee shall request that the superintendent conduct a criminal records check of a self-employed provider at times specified in the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. However, the department or its designee is not required to request the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed provider's certificate or contract or grant.	1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042
If a self-employed provider for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period	1043 1044 1045

immediately prior to the date the criminal records check is 1046
requested or provide evidence that within that five-year period 1047
the superintendent has requested information about the 1048
self-employed provider from the federal bureau of investigation in 1049
a criminal records check, the department or its designee shall 1050
request that the superintendent obtain information from the 1051
federal bureau of investigation as part of the criminal records 1052
check. Even if a self-employed provider for whom a criminal 1053
records check request is required by this section presents proof 1054
of having been a resident of this state for the five-year period, 1055
the department or its designee may request that the superintendent 1056
include information from the federal bureau of investigation in 1057
the criminal records check. 1058

(2) The department or its designee shall do all of the 1059
following: 1060

(a) Provide to each self-employed provider for whom a 1061
criminal records check request is required by this section a copy 1062
of the form prescribed pursuant to division (C)(1) of section 1063
109.572 of the Revised Code and a standard impression sheet 1064
prescribed pursuant to division (C)(2) of that section; 1065

(b) Obtain the completed form and standard impression sheet 1066
from the self-employed provider; 1067

(c) Forward the completed form and standard impression sheet 1068
to the superintendent. 1069

(3) The department or its designee shall pay to the bureau of 1070
criminal identification and investigation the fee prescribed 1071
pursuant to division (C)(3) of section 109.572 of the Revised Code 1072
for each criminal records check of a self-employed provider the 1073
department or its designee requests under this section. The 1074
department or its designee may charge the self-employed provider a 1075

fee that does not exceed the amount the department or its designee
pays to the bureau. 1076
1077

(G) The report of any criminal records check of a 1078
self-employed provider conducted pursuant to a request made under 1079
this section is not a public record for the purposes of section 1080
149.43 of the Revised Code and shall not be made available to any 1081
person other than the following: 1082

(1) The self-employed provider or the self-employed 1083
provider's representative; 1084

(2) The department of aging, the department's designee, or a 1085
representative of the department or its designee; 1086

(3) The medicaid director and the staff of the department of 1087
medicaid who are involved in the administration of the medicaid 1088
program if the self-employed provider is to provide, or provides, 1089
community-based long-term care services under a component of the 1090
medicaid program that the department of aging administers; 1091

(4) A court, hearing officer, or other necessary individual 1092
involved in a case dealing with any of the following: 1093

(a) A refusal to issue or award a community-based long-term 1094
services certificate or community-based long-term care services 1095
contract or grant to the self-employed provider; 1096

(b) A revocation or termination of the self-employed 1097
provider's community-based long-term care services certificate or 1098
community-based long-term care services contract or grant; 1099

(c) A civil or criminal action regarding a program the 1100
department of aging administers. 1101

(H) In a tort or other civil action for damages that is 1102
brought as the result of an injury, death, or loss to person or 1103

property caused by a self-employed provider, both of the following 1104
shall apply: 1105

(1) If the department of aging or its designee, in good faith 1106
and reasonable reliance on the report of a criminal records check 1107
requested under this section, issued or awarded a community-based 1108
long-term care services certificate or community-based long-term 1109
care services contract or grant to the self-employed provider or 1110
did not revoke or terminate the self-employed provider's 1111
certificate or contract or grant, the department and its designee 1112
shall not be found negligent solely because of its reliance on the 1113
report, even if the information in the report is determined later 1114
to have been incomplete or inaccurate. 1115

(2) If the department or its designee in good faith issued or 1116
awarded a community-based long-term care services certificate or 1117
community-based long-term care services contract or grant to the 1118
self-employed provider or did not revoke or terminate the 1119
self-employed provider's certificate or contract or grant because 1120
the self-employed provider meets standards specified in rules 1121
adopted under this section, the department and its designee shall 1122
not be found negligent solely because the self-employed provider 1123
has been convicted of, pleaded guilty to, or been found eligible 1124
for intervention in lieu of conviction for a disqualifying 1125
offense. 1126

(I) The director of aging shall adopt rules in accordance 1127
with Chapter 119. of the Revised Code to implement this section. 1128

(1) The rules may do the following: 1129

(a) Require self-employed providers who have been issued or 1130
awarded community-based long-term care services certificates or 1131
community-based long-term care services contracts or grants to 1132
undergo database reviews and criminal records checks under this 1133

section; 1134

(b) If the rules require self-employed providers who have 1135
been issued or awarded community-based long-term care services 1136
certificates or community-based long-term care services contracts 1137
or grants to undergo database reviews and criminal records checks 1138
under this section, exempt one or more classes of such 1139
self-employed providers from the requirements; 1140

(c) For the purpose of division (E)(7) of this section, 1141
specify other databases that are to be checked as part of a 1142
database review conducted under this section. 1143

(2) The rules shall specify all of the following: 1144

(a) The procedures for conducting database reviews under this 1145
section; 1146

(b) If the rules require self-employed providers who have 1147
been issued or awarded community-based long-term care services 1148
certificates or community-based long-term care services contracts 1149
or grants to undergo database reviews and criminal records checks 1150
under this section, the times at which the database reviews and 1151
criminal records checks are to be conducted; 1152

(c) If the rules specify other databases to be checked as 1153
part of the database reviews, the circumstances under which the 1154
department of aging or its designee is required to refuse to issue 1155
or award a community-based long-term care services certificate or 1156
community-based long-term care services contract or grant to a 1157
self-employed provider or to revoke or terminate a self-employed 1158
provider's certificate or contract or grant when the self-employed 1159
provider is found by a database review to be included in one or 1160
more of those databases; 1161

(d) Standards that a self-employed provider must meet for the 1162

department or its designee to be permitted to issue or award a 1163
community-based long-term care services certificate or 1164
community-based long-term care services contract or grant to the 1165
self-employed provider or not to revoke or terminate the 1166
self-employed provider's certificate or contract or grant if the 1167
self-employed provider is found by a criminal records check 1168
required by this section to have been convicted of, pleaded guilty 1169
to, or been found eligible for intervention in lieu of conviction 1170
for a disqualifying offense." 1171

After line 14680, insert: 1172

"**Sec. 1337.11.** As used in sections 1337.11 to 1337.17 of the 1173
Revised Code: 1174

(A) "Adult" means a person who is eighteen years of age or 1175
older. 1176

(B) "Attending physician" means the physician to whom a 1177
principal or the family of a principal has assigned primary 1178
responsibility for the treatment or care of the principal or, if 1179
the responsibility has not been assigned, the physician who has 1180
accepted that responsibility. 1181

(C) "Comfort care" means any of the following: 1182

(1) Nutrition when administered to diminish the pain or 1183
discomfort of a principal, but not to postpone death; 1184

(2) Hydration when administered to diminish the pain or 1185
discomfort of a principal, but not to postpone death; 1186

(3) Any other medical or nursing procedure, treatment, 1187
intervention, or other measure that is taken to diminish the pain 1188
or discomfort of a principal, but not to postpone death. 1189

(D) "Consulting physician" means a physician who, in 1190

conjunction with the attending physician of a principal, makes one 1191
 or more determinations that are required to be made by the 1192
 attending physician, or to be made by the attending physician and 1193
 one other physician, by an applicable provision of sections 1194
 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 1195
 medical certainty and in accordance with reasonable medical 1196
 standards. 1197

(E) "Declaration for mental health treatment" has the same 1198
 meaning as in section 2135.01 of the Revised Code. 1199

(F) "Guardian" means a person appointed by a probate court 1200
 pursuant to Chapter 2111. of the Revised Code to have the care and 1201
 management of the person of an incompetent. 1202

(G) "Health care" means any care, treatment, service, or 1203
 procedure to maintain, diagnose, or treat an individual's physical 1204
 or mental condition or physical or mental health. 1205

(H) "Health care decision" means informed consent, refusal to 1206
 give informed consent, or withdrawal of informed consent to health 1207
 care. 1208

(I) "Health care facility" means any of the following: 1209

(1) A hospital; 1210

(2) A hospice care program, pediatric respite care program, 1211
 or other institution that specializes in comfort care of patients 1212
 in a terminal condition or in a permanently unconscious state; 1213

(3) A nursing home; 1214

(4) A home health agency; 1215

(5) An intermediate care facility for individuals with 1216
 intellectual disabilities; 1217

(6) A regulated community mental health organization. 1218

(J) "Health care personnel" means physicians, nurses,	1219
physician assistants, emergency medical technicians-basic,	1220
emergency medical technicians-intermediate, emergency medical	1221
technicians-paramedic, medical technicians, dietitians, other	1222
authorized persons acting under the direction of an attending	1223
physician, and administrators of health care facilities.	1224
(K) "Home health agency" has the same meaning as in section	1225
3701.881 <u>3740.01</u> of the Revised Code.	1226
(L) "Hospice care program" and "pediatric respite care	1227
program" have the same meanings as in section 3712.01 of the	1228
Revised Code.	1229
(M) "Hospital" has the same meanings as in sections 3701.01,	1230
3727.01, and 5122.01 of the Revised Code.	1231
(N) "Hydration" means fluids that are artificially or	1232
technologically administered.	1233
(O) "Incompetent" has the same meaning as in section 2111.01	1234
of the Revised Code.	1235
(P) "Intermediate care facility for individuals with	1236
intellectual disabilities" has the same meaning as in section	1237
5124.01 of the Revised Code.	1238
(Q) "Life-sustaining treatment" means any medical procedure,	1239
treatment, intervention, or other measure that, when administered	1240
to a principal, will serve principally to prolong the process of	1241
dying.	1242
(R) "Medical claim" has the same meaning as in section	1243
2305.113 of the Revised Code.	1244
(S) "Mental health treatment" has the same meaning as in	1245
section 2135.01 of the Revised Code.	1246

(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	1247 1248
(U) "Nutrition" means sustenance that is artificially or technologically administered.	1249 1250
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	1251 1252 1253 1254 1255 1256
(1) Irreversible unawareness of one's being and environment.	1257
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	1258 1259
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	1260 1261 1262 1263
(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	1264 1265 1266
(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	1267 1268
(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	1269 1270 1271 1272
(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.34	1273 1274

of the Revised Code or a community mental health services provider	1275
as defined in section 5122.01 of the Revised Code.	1276
(BB) "Terminal condition" means an irreversible, incurable,	1277
and untreatable condition caused by disease, illness, or injury	1278
from which, to a reasonable degree of medical certainty as	1279
determined in accordance with reasonable medical standards by a	1280
principal's attending physician and one other physician who has	1281
examined the principal, both of the following apply:	1282
(1) There can be no recovery.	1283
(2) Death is likely to occur within a relatively short time	1284
if life-sustaining treatment is not administered.	1285
(CC) "Tort action" means a civil action for damages for	1286
injury, death, or loss to person or property, other than a civil	1287
action for damages for a breach of contract or another agreement	1288
between persons."	1289
After line 18035, insert:	1290
" Sec. 2133.01. Unless the context otherwise requires, as used	1291
in sections 2133.01 to 2133.15 of the Revised Code:	1292
(A) "Adult" means an individual who is eighteen years of age	1293
or older.	1294
(B) "Attending physician" means the physician to whom a	1295
declarant or other patient, or the family of a declarant or other	1296
patient, has assigned primary responsibility for the treatment or	1297
care of the declarant or other patient, or, if the responsibility	1298
has not been assigned, the physician who has accepted that	1299
responsibility.	1300
(C) "Comfort care" means any of the following:	1301

- (1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death; 1302
1303
1304
- (2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death; 1305
1306
1307
- (3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death. 1308
1309
1310
1311
- (D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards. 1312
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- (E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code. 1319
1320
1321
- (F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code. 1322
1323
- (G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code. 1324
1325
1326
- (H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent. 1327
1328
1329
- (I) "Health care facility" means any of the following: 1330

(1) A hospital;	1331
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	1332 1333 1334
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	1335 1336
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	1337 1338 1339
(5) An intermediate care facility for individuals with intellectual disabilities.	1340 1341
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	1342 1343 1344 1345 1346 1347
(K) "Home health agency" has the same meaning as in section 3701.881 <u>3740.01</u> of the Revised Code.	1348 1349
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	1350 1351 1352
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	1353 1354
(N) "Hydration" means fluids that are artificially or technologically administered.	1355 1356
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	1357 1358

(P) "Intermediate care facility for the individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.	1359 1360 1361
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	1362 1363 1364 1365
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	1366 1367 1368 1369
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	1370 1371
(T) "Nutrition" means sustenance that is artificially or technologically administered.	1372 1373
(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:	1374 1375 1376 1377 1378 1379 1380
(1) Irreversible unawareness of one's being and environment.	1381
(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.	1382 1383 1384
(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments,	1385 1386 1387

institutions, offices, and other instrumentalities. 1388

(W) "Physician" means a person who is authorized under 1389
Chapter 4731. of the Revised Code to practice medicine and surgery 1390
or osteopathic medicine and surgery. 1391

(X) "Political subdivision" and "state" have the same 1392
meanings as in section 2744.01 of the Revised Code. 1393

(Y) "Professional disciplinary action" means action taken by 1394
the board or other entity that regulates the professional conduct 1395
of health care personnel, including the state medical board and 1396
the board of nursing. 1397

(Z) "Qualified patient" means an adult who has executed a 1398
declaration and has been determined to be in a terminal condition 1399
or in a permanently unconscious state. 1400

(AA) "Terminal condition" means an irreversible, incurable, 1401
and untreatable condition caused by disease, illness, or injury 1402
from which, to a reasonable degree of medical certainty as 1403
determined in accordance with reasonable medical standards by a 1404
declarant's or other patient's attending physician and one other 1405
physician who has examined the declarant or other patient, both of 1406
the following apply: 1407

(1) There can be no recovery. 1408

(2) Death is likely to occur within a relatively short time 1409
if life-sustaining treatment is not administered. 1410

(BB) "Tort action" means a civil action for damages for 1411
injury, death, or loss to person or property, other than a civil 1412
action for damages for breach of a contract or another agreement 1413
between persons." 1414

After line 19442, insert: 1415

"Sec. 2317.54. No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent.

(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names of the physicians who shall perform the intended surgical procedures.

(B) The person making the consent acknowledges that such disclosure of information has been made and that all questions

asked about the procedure or procedures have been answered in a 1446
satisfactory manner. 1447

(C) The consent is signed by the patient for whom the 1448
procedure is to be performed, or, if the patient for any reason 1449
including, but not limited to, competence, minority, or the fact 1450
that, at the latest time that the consent is needed, the patient 1451
is under the influence of alcohol, hallucinogens, or drugs, lacks 1452
legal capacity to consent, by a person who has legal authority to 1453
consent on behalf of such patient in such circumstances, including 1454
either of the following: 1455

(1) The parent, whether the parent is an adult or a minor, of 1456
the parent's minor child; 1457

(2) An adult whom the parent of the minor child has given 1458
written authorization to consent to a surgical or medical 1459
procedure or course of procedures for the parent's minor child. 1460

Any use of a consent form that fulfills the requirements 1461
stated in divisions (A), (B), and (C) of this section has no 1462
effect on the common law rights and liabilities, including the 1463
right of a physician to obtain the oral or implied consent of a 1464
patient to a medical procedure, that may exist as between 1465
physicians and patients on July 28, 1975. 1466

As used in this section the term "hospital" has the same 1467
meaning as in section 2305.113 of the Revised Code; ~~"home health~~ 1468
~~agency" has the same meaning as in section 3701.881 of the Revised~~ 1469
~~Code;~~ "ambulatory surgical facility" has the same meaning as in 1470
section 3702.30 of the Revised Code; ~~and~~ "hospice care program" 1471
and "pediatric respite care program" have the same meanings as in 1472
section 3712.01 of the Revised Code, and "home health agency" has 1473
the same meaning as in section 3740.01 of the Revised Code. The 1474
provisions of this division apply to hospitals, doctors of 1475

medicine, doctors of osteopathic medicine, and doctors of
podiatric medicine." 1476
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After line 39307, insert: 1478

"**Sec. 3701.362.** (A) Each of the health care facilities and 1479
providers identified in division (B) of this section shall do both 1480
of the following: 1481

(1) Establish a system for identifying patients or residents 1482
who could benefit from palliative care; 1483

(2) Provide information on palliative care to patients and 1484
residents who could benefit from palliative care. 1485

(B) Division (A) of this section applies to all of the 1486
following: 1487

(1) A hospital registered under section 3701.07 of the 1488
Revised Code; 1489

(2) An ambulatory surgical facility, as defined in section 1490
3702.30 of the Revised Code; 1491

(3) A nursing home, residential care facility, county home, 1492
or district home, as defined in section 3721.01 of the Revised 1493
Code; 1494

(4) A veterans' home operated under Chapter 5907. of the 1495
Revised Code; 1496

(5) A hospice care program or pediatric respite care program, 1497
as defined in section 3712.01 of the Revised Code; 1498

(6) A home health agency, as defined in section ~~3701.881~~ 1499
3740.01 of the Revised Code." 1500

After line 39596, insert: 1501

"**Sec. 3701.916.** (A) As used in this section, "direct care" 1502
and "home health agency" have the same meanings as in section 1503
~~3701.881~~ 3740.01 of the Revised Code. 1504

(B) For the purpose of identifying jobs that are in demand in 1505
this state under section 6301.11 of the Revised Code, direct care 1506
provided by a home health agency shall be considered a targeted 1507
industry sector as identified by the governor's office of 1508
workforce transformation. 1509

(C) The director of job and family services shall review the 1510
criteria for any program that provides occupational training, 1511
adult education, or career pathway assistance through a grant or 1512
other source of funding to determine whether an employee of a home 1513
health agency may participate in the program, and, to the extent 1514
possible, make any necessary changes to the criteria to allow a 1515
home health agency employee to participate in the program." 1516

In line 40234, delete "that is licensed as a residential care 1517
facility" 1518

In line 40236, delete "facility's" and insert "home's" 1519

After line 41753, insert: 1520

"**Sec. 3740.01.** As used in this chapter: 1521

(A) "Community-based long-term care provider" means a 1522
provider, as defined in section 173.39 of the Revised Code. 1523

(B) "Community-based long-term care subcontractor" means a 1524
subcontractor, as defined in section 173.38 of the Revised Code. 1525

(C) "Criminal records check" has the same meaning as in 1526
section 109.572 of the Revised Code. 1527

(D) "Direct care" means any of the following: 1528

(1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home; 1529
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(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient; 1532
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(3) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care. 1536
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(E) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 1539
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(F) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service. 1542
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(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, informal respite care provider, provider certified by the department of developmental disabilities under Chapter 5123. of the Revised Code, residential facility, shared living provider, or immediate family member, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home: 1547
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(1) Skilled nursing care; 1556

(2) Physical therapy; 1557

<u>(3) Occupational therapy;</u>	1558
<u>(4) Speech-language pathology;</u>	1559
<u>(5) Medical social services;</u>	1560
<u>(6) Home health aide services.</u>	1561
<u>(H) "Home health aide services" means any of the following services provided by an employee of a home health agency:</u>	1562
<u>(1) Hands-on bathing or assistance with a tub bath or shower;</u>	1563
<u>(2) Assistance with dressing, ambulation, and toileting;</u>	1564
<u>(3) Catheter care but not insertion;</u>	1565
<u>(4) Meal preparation and feeding.</u>	1566
<u>(I) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.</u>	1567
<u>(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.</u>	1568
<u>(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.</u>	1569
<u>(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	1570
<u>(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the</u>	1571
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<u>following:</u>	1585
<u>(1) A caregiver who is an immediate family member of the individual receiving direct care;</u>	1586
<u>(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;</u>	1588
<u>(3) A volunteer;</u>	1589
<u>(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;</u>	1590
<u>(5) A person who provides privately funded child care;</u>	1591
<u>(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.</u>	1592
<u>(N) "Nonmedical home health services" means any of the following:</u>	1593
<u>(1) Any service identified in divisions (H)(1) to (4) of this section;</u>	1594
<u>(2) Personal care services;</u>	1595
<u>(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.</u>	1596
<u>(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</u>	1597
<u>(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.</u>	1598
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<u>(O) "Personal care services" means any of the following</u>	1612
<u>provided to an individual in the individual's home or community:</u>	1613
<u>(1) Hands-on assistance with activities of daily living and</u>	1614
<u>instrumental activities of daily living, when incidental to</u>	1615
<u>assistance with activities of daily living;</u>	1616
<u>(2) Assistance managing the individual's home and handling</u>	1617
<u>personal affairs;</u>	1618
<u>(3) Assistance with self-administration of medications;</u>	1619
<u>(4) Homemaker services when incidental to any of the services</u>	1620
<u>identified in divisions (O)(1) to (3) of this section or when</u>	1621
<u>essential to the health and welfare of the individual</u>	1622
<u>specifically, not the individual's family;</u>	1623
<u>(5) Respite services for the individual's caregiver;</u>	1624
<u>(6) Errands completed outside of the presence of the</u>	1625
<u>individual if needed to maintain the individual's health and</u>	1626
<u>safety, including picking up prescriptions and groceries.</u>	1627
<u>(R) "Physical therapy" has the same meaning as in section</u>	1628
<u>4755.40 of the Revised Code.</u>	1629
<u>(S) "Residential facility" has the same meaning as in section</u>	1630
<u>5123.19 of the Revised Code.</u>	1631
<u>(T) "Skilled home health services" means any of the</u>	1632
<u>following:</u>	1633
<u>(1) Any service identified in divisions (G)(1) to (5) of this</u>	1634
<u>section;</u>	1635
<u>(2) Any other service the director of health designates as a</u>	1636
<u>skilled home health service in rules adopted under section 3740.10</u>	1637
<u>of the Revised Code.</u>	1638

(U) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 1639
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(V) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 1642
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(W) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 1644
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Sec. 3740.02. Beginning one year after the effective date of this section: 1646
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(A)(1) No home health agency shall do either of the following unless the agency holds a current, valid license to provide skilled home health services issued under this chapter: 1648
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(a) Provide skilled home health services through one or more employees; 1651
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(b) Hold the agency, or any employee of the agency, out as a provider of skilled home health services. 1653
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(2) No home health agency shall do either of the following unless the agency holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter: 1655
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(a) Provide nonmedical home health services through one or more employees; 1659
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(b) Hold the agency, or any employee of the agency, out as a provider of nonmedical home health services. 1661
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(B)(1) No nonagency provider shall do either of the following unless the provider holds a current, valid license to provide skilled home health services issued under this chapter: 1663
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<u>(a) Provide skilled home health services;</u>	1666
<u>(b) Hold oneself out as a provider of skilled home health services.</u>	1667 1668
<u>(2) No nonagency provider shall do either of the following unless the provider holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:</u>	1669 1670 1671 1672 1673
<u>(a) Provide nonmedical home health services;</u>	1674
<u>(b) Hold oneself out as a provider of nonmedical home health services.</u>	1675 1676
<u>Sec. 3740.03. (A)(1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following:</u>	1677 1678 1679 1680 1681
<u>(a) Evidence that the agency or provider meets one of the following:</u>	1682 1683
<u>(i) Is certified for participation in the medicare program;</u>	1684
<u>(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization approved by the United States centers for medicare and medicaid services and recognized by the department pursuant to rules adopted under section 3740.10 of the Revised Code;</u>	1685 1686 1687 1688 1689 1690
<u>(iii) Is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services;</u>	1691 1692 1693

(iv) Otherwise meets medicare conditions of participation, 1694
even though not certified for participation in the medicare 1695
program. 1696

(b) Evidence that the applicant was providing direct care on 1697
or immediately prior to the effective date of this section, or if 1698
the applicant was not providing direct care immediately prior to 1699
the effective date of this section, a surety bond issued by a 1700
company licensed to do business in this state in the amount of 1701
fifty thousand dollars. 1702

(c) An application fee in the amount of two hundred fifty 1703
dollars. 1704

(2) An applicant applying on the basis of division 1705
(A)(1)(a)(iv) of this section shall provide documentation and 1706
comply with conditions as prescribed by rules adopted under 1707
section 3740.10 of the Revised Code. 1708

(B)(1) Except as provided in division (B)(2) of this section, 1709
a home health agency or nonagency provider seeking to provide 1710
nonmedical home health services shall apply to the department of 1711
health for a nonmedical home health services license. Except as 1712
provided in division (B)(3) of this section, the application shall 1713
include all of the following: 1714

(a) Fingerprint impressions of the primary owner of the home 1715
health agency or of the nonagency provider; 1716

(b) Copies of any documents filed and recorded with the 1717
secretary of state; 1718

(c) A notarized affidavit verifying the identity of the 1719
applicant; 1720

(d) If the applicant is a home health agency, a copy of the 1721
agency's criminal records check policy; 1722

<u>(e) A statement identifying the days and hours of operation for the applicant;</u>	1723
	1724
<u>(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;</u>	1725
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<u>(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;</u>	1728
	1729
<u>(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of twenty thousand dollars;</u>	1730
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<u>(i) An application fee in the amount of two hundred fifty dollars.</u>	1736
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<u>(2) A home health agency or nonagency provider that holds a skilled home health services license issued under division (A) of this section may provide nonmedical home health services without obtaining a nonmedical home health services license.</u>	1738
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<u>(3) The director of health shall waive receipt of the items identified in divisions (B)(1)(a) to (g) of this section if the agency or provider submits evidence that the agency or provider is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services.</u>	1742
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<u>(C) An applicant under this section shall use the application form prescribed by rules adopted under section 3740.10 of the Revised Code and comply with license procedures established by those rules.</u>	1747
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Sec. 3740.04. The department of health shall review each license application received under section 3740.03 of the Revised Code. The department's review of the application shall include a site visit for each applicant seeking a license on the basis of division (A)(1)(a)(i) of section 3740.03 of the Revised Code to verify that medicare conditions of participation are met, unless the applicant has already had such a site visit within the five-year period immediately preceding the date of the application.

Except as provided in section 3740.07 of the Revised Code, the department shall issue the appropriate license to an applicant if the applicant has paid the application fee and demonstrated to the department's satisfaction that the requirements established under section 3740.03 of the Revised Code are met.

Sec. 3740.05. (A) Except as provided in section 3740.07 of the Revised Code and in division (B) of this section, a license issued under section 3740.04 of the Revised Code is valid for three years. A person seeking to renew the license shall apply to the department of health using a license renewal form prescribed by rules adopted under section 3740.10 of the Revised Code and comply with any renewal application procedures established by those rules. The department shall review each application for license renewal and shall renew the license for three years if the applicant has paid the renewal fee of two hundred fifty dollars and demonstrated to the department's satisfaction that the applicant continues to meet the requirements established in section 3740.03 of the Revised Code.

(B) The department may adjust an initial license renewal date to align renewal of a license issued under this chapter with the

<u>renewal of a certification or accreditation identified in</u>	1780
<u>divisions (A)(1)(a)(i) to (iii) of section 3740.03 of the Revised</u>	1781
<u>Code.</u>	1782
<u>Sec. 3740.07. (A) For any of the reasons established in rules</u>	1783
<u>adopted under section 3740.10 of the Revised Code, the department</u>	1784
<u>of health may take one or more of the following actions, as</u>	1785
<u>applicable, with respect to an applicant for or the holder of a</u>	1786
<u>license under this chapter:</u>	1787
<u>(1) Refuse to issue a license;</u>	1788
<u>(2) Refuse to renew or reinstate the holder's license;</u>	1789
<u>(3) Impose limitations on the holder's license;</u>	1790
<u>(4) Revoke or suspend the holder's license;</u>	1791
<u>(5) Place the license holder on probation with regard to the</u>	1792
<u>holder's license or otherwise reprimand the license holder.</u>	1793
<u>(B) All actions taken under this section shall be taken in</u>	1794
<u>accordance with Chapter 119. of the Revised Code.</u>	1795
<u>Sec. 3740.10. (A) The director of health shall adopt rules as</u>	1796
<u>the director considers necessary to implement this chapter,</u>	1797
<u>including rules that do all of the following:</u>	1798
<u>(1) Prescribe license application forms and procedures;</u>	1799
<u>(2) Specify the documentation that must be provided and</u>	1800
<u>conditions that must be met by an applicant seeking a license on</u>	1801
<u>the basis of division (A)(1)(a)(iv) of section 3740.03 of the</u>	1802
<u>Revised Code;</u>	1803
<u>(3) Prescribe license renewal application forms and</u>	1804
<u>procedures;</u>	1805

(4) Establish the reasons for which the department of health may take action under section 3740.07 of the Revised Code; 1806
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(5) Processes for dispute resolution and appeals related to licensing disputes. 1808
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(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. In addition, the rules shall be adopted in consultation with the director of aging and medicaid director. 1810
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Sec. ~~3701.881~~ 3740.11. (A) As used in this section+ 1814

~~(1) "Applicant", "applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.~~ 1815
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~~(2) "Community based long term care provider" means a provider as defined in section 173.39 of the Revised Code.~~ 1820
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~~(3) "Community based long term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.~~ 1822
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~~(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 1824
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~~(5) "Direct care" means any of the following:~~ 1826

~~(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;~~ 1827
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~~(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents~~ 1830
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regarding a patient;	1833
(c) For each home health agency individually, any other	1834
routine service or activity that the chief administrator of the	1835
home health agency designates as direct care.	1836
(6) "Disqualifying offense" means any of the offenses listed	1837
or described in divisions (A)(3)(a) to (c) of section 109.572 of	1838
the Revised Code.	1839
(7) "Employee" means a person employed by a home health	1840
agency in a full time, part time, or temporary position that	1841
involves providing direct care to an individual and a person who	1842
works in such a position due to being referred to a home health	1843
agency by an employment service.	1844
(8) "Home health agency" means a person or government entity,	1845
other than a nursing home, residential care facility, hospice care	1846
program, or pediatric respite care program, that has the primary	1847
function of providing any of the following services to a patient	1848
at a place of residence used as the patient's home:	1849
(a) Skilled nursing care;	1850
(b) Physical therapy;	1851
(c) Speech language pathology;	1852
(d) Occupational therapy;	1853
(e) Medical social services;	1854
(f) Home health aide services.	1855
(9) "Home health aide services" means any of the following	1856
services provided by an employee of a home health agency:	1857
(a) Hands on bathing or assistance with a tub bath or shower;	1858
(b) Assistance with dressing, ambulation, and toileting;	1859

(c) Catheter care but not insertion;	1860
(d) Meal preparation and feeding.	1861
(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	1862 1863 1864
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	1865 1866 1867
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1868 1869
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	1870 1871 1872
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	1873 1874
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	1875 1876
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	1877 1878 1879
(17) "Speech language pathology" has the same meaning as in section 4753.01 of the Revised Code.	1880 1881
(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	1882 1883
(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:	1884 1885 1886 1887

(1) A review of the databases listed in division (D) of this section reveals any of the following: 1888
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(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 1890
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(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident; 1893
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(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the home health agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing direct care to an individual. 1899
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(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet. 1905
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(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 1912
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(C) Except as provided by division (F) of this section, the chief administrator of a home health agency shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the home health agency by an employment service for a position that involves providing direct care to an individual:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to

subpart 9.4 of the federal acquisition regulation and available at	1947
the federal web site known as the system for award management;	1948
(2) The list of excluded individuals and entities maintained	1949
by the office of inspector general in the United States department	1950
of health and human services pursuant to the "Social Security	1951
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;	1952
(3) The registry of developmental disabilities employees	1953
established under section 5123.52 of the Revised Code;	1954
(4) The internet-based sex offender and child-victim offender	1955
database established under division (A)(11) of section 2950.13 of	1956
the Revised Code;	1957
(5) The internet-based database of inmates established under	1958
section 5120.66 of the Revised Code;	1959
(6) The state nurse aide registry established under section	1960
3721.32 of the Revised Code;	1961
(7) Any other database, if any, specified in rules adopted	1962
under this section.	1963
(E)(1) As a condition of employing any applicant in a	1964
position that involves providing direct care to an individual, the	1965
chief administrator of a home health agency shall request the	1966
superintendent of the bureau of criminal identification and	1967
investigation to conduct a criminal records check of the	1968
applicant. If rules adopted under this section so require, the	1969
chief administrator of a home health agency shall request the	1970
superintendent to conduct a criminal records check of an employee	1971
at times specified in the rules as a condition of continuing to	1972
employ the employee in a position that involves providing direct	1973
care to an individual. However, the chief administrator is not	1974
required to request the criminal records check of the applicant or	1975

the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof that the applicant or employee has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from each applicant and employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the chief administrator requests

the criminal records check. 2006

(3) A home health agency shall pay to the bureau of criminal 2007
 identification and investigation the fee prescribed pursuant to 2008
 division (C)(3) of section 109.572 of the Revised Code for each 2009
 criminal records check the agency requests under this section. A 2010
 home health agency may charge an applicant a fee not exceeding the 2011
 amount the agency pays to the bureau under this section if both of 2012
 the following apply: 2013

(a) The home health agency notifies the applicant at the time 2014
 of initial application for employment of the amount of the fee and 2015
 that, unless the fee is paid, the applicant will not be considered 2016
 for employment. 2017

(b) The medicaid program does not reimburse the home health 2018
 agency for the fee it pays to the bureau under this section. 2019

(F) Divisions (C) to (E) of this section do not apply with 2020
 regard to an applicant or employee if the applicant or employee is 2021
 referred to a home health agency by an employment service that 2022
 supplies full-time, part-time, or temporary staff for positions 2023
 that involve providing direct care to an individual and both of 2024
 the following apply: 2025

(1) The chief administrator of the home health agency 2026
 receives from the employment service confirmation that a review of 2027
 the databases listed in division (D) of this section was conducted 2028
 with regard to the applicant or employee. 2029

(2) The chief administrator of the home health agency 2030
 receives from the employment service, applicant, or employee a 2031
 report of the results of a criminal records check of the applicant 2032
 or employee that has been conducted by the superintendent within 2033
 the one-year period immediately preceding the following: 2034

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 2035
2036

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 2037
2038
2039

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 2040
2041
2042
2043
2044
2045
2046

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment. 2047
2048
2049
2050

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 2051
2052
2053
2054
2055
2056

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 2057
2058
2059

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 2060
2061
2062
2063

(iii) That the employment service has not received the 2064
results of the criminal records check as of the date set forth on 2065
the letter; 2066

(iv) That the employment service promptly will send a copy of 2067
the results of the criminal records check to the chief 2068
administrator of the home health agency when the employment 2069
service receives the results. 2070

(2) If a home health agency employs an applicant 2071
conditionally pursuant to division (G)(1)(b) of this section, the 2072
employment service, on its receipt of the results of the criminal 2073
records check, promptly shall send a copy of the results to the 2074
chief administrator of the agency. 2075

(3) A home health agency that employs an applicant 2076
conditionally pursuant to division (G)(1)(a) or (b) of this 2077
section shall terminate the applicant's employment if the results 2078
of the criminal records check, other than the results of any 2079
request for information from the federal bureau of investigation, 2080
are not obtained within the period ending sixty days after the 2081
date the request for the criminal records check is made. 2082
Regardless of when the results of the criminal records check are 2083
obtained, if the results indicate that the applicant has been 2084
convicted of, pleaded guilty to, or been found eligible for 2085
intervention in lieu of conviction for a disqualifying offense, 2086
the home health agency shall terminate the applicant's employment 2087
unless circumstances specified in rules adopted under this section 2088
that permit the agency to employ the applicant exist and the 2089
agency chooses to employ the applicant. Termination of employment 2090
under this division shall be considered just cause for discharge 2091
for purposes of division (D)(2) of section 4141.29 of the Revised 2092
Code if the applicant makes any attempt to deceive the home health 2093

agency about the applicant's criminal record.	2094
(H) The report of any criminal records check conducted by the	2095
bureau of criminal identification and investigation in accordance	2096
with section 109.572 of the Revised Code and pursuant to a request	2097
made under this section is not a public record for the purposes of	2098
section 149.43 of the Revised Code and shall not be made available	2099
to any person other than the following:	2100
(1) The applicant or employee who is the subject of the	2101
criminal records check or the applicant's or employee's	2102
representative;	2103
(2) The home health agency requesting the criminal records	2104
check or its representative;	2105
(3) The administrator of any other facility, agency, or	2106
program that provides direct care to individuals that is owned or	2107
operated by the same entity that owns or operates the home health	2108
agency that requested the criminal records check;	2109
(4) The employment service that requested the criminal	2110
records check;	2111
(5) The director of health and the staff of the department of	2112
health who monitor a home health agency's compliance with this	2113
section;	2114
(6) The director of aging or the director's designee if	2115
either of the following apply:	2116
(a) In the case of a criminal records check requested by a	2117
home health agency, the home health agency also is a	2118
community-based long-term care provider or community-based	2119
long-term care subcontractor;	2120
(b) In the case of a criminal records check requested by an	2121

employment service, the employment service makes the request for
 an applicant or employee the employment service refers to a home
 health agency that also is a community-based long-term care
 provider or community-based long-term care subcontractor.

(7) The medicaid director and the staff of the department of
 medicaid who are involved in the administration of the medicaid
 program if either of the following apply:

(a) In the case of a criminal records check requested by a
 home health agency, the home health agency also is a waiver
 agency;

(b) In the case of a criminal records check requested by an
 employment service, the employment service makes the request for
 an applicant or employee the employment service refers to a home
 health agency that also is a waiver agency.

(8) Any court, hearing officer, or other necessary individual
 involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or
 employee;

(c) A civil or criminal action regarding the medicaid
 program.

(I) In a tort or other civil action for damages that is
 brought as the result of an injury, death, or loss to person or
 property caused by an applicant or employee who a home health
 agency employs in a position that involves providing direct care
 to an individual, all of the following shall apply:

(1) If the home health agency employed the applicant or
 employee in good faith and reasonable reliance on the report of a

criminal records check requested under this section, the agency 2150
shall not be found negligent solely because of its reliance on the 2151
report, even if the information in the report is determined later 2152
to have been incomplete or inaccurate. 2153

(2) If the home health agency employed the applicant in good 2154
faith on a conditional basis pursuant to division (G) of this 2155
section, the agency shall not be found negligent solely because it 2156
employed the applicant prior to receiving the report of a criminal 2157
records check requested under this section. 2158

(3) If the home health agency in good faith employed the 2159
applicant or employee according to the personal character 2160
standards established in rules adopted under this section, the 2161
agency shall not be found negligent solely because the applicant 2162
or employee had been convicted of, pleaded guilty to, or been 2163
found eligible for intervention in lieu of conviction for a 2164
disqualifying offense. 2165

(J) The director of health shall adopt rules in accordance 2166
with Chapter 119. of the Revised Code to implement this section. 2167

(1) The rules may do the following: 2168

(a) Require employees to undergo database reviews and 2169
criminal records checks under this section; 2170

(b) If the rules require employees to undergo database 2171
reviews and criminal records checks under this section, exempt one 2172
or more classes of employees from the requirements; 2173

(c) For the purpose of division (D)(7) of this section, 2174
specify other databases that are to be checked as part of a 2175
database review conducted under this section. 2176

(2) The rules shall specify all of the following: 2177

(a) The procedures for conducting database reviews under this section;	2178 2179
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	2180 2181 2182 2183
(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	2184 2185 2186 2187 2188
(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.	2189 2190 2191 2192 2193 2194
<u>Sec. 3740.99. Whoever violates section 3740.02 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; for each subsequent offense, the person is guilty of a misdemeanor of the first degree.</u>	2195 2196 2197 2198
After line 50889, insert:	2199
"Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code:	2200 2201
(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association	2202 2203 2204 2205

commission on dental accreditation and approved by the state	2206
dental board.	2207
(B) "Authorizing dentist" means a dentist who authorizes a	2208
dental hygienist to perform dental hygiene services under section	2209
4715.365 of the Revised Code.	2210
(C) "Clinical evaluation" means a diagnosis and treatment	2211
plan formulated for an individual patient by a dentist.	2212
(D) "Dentist" means an individual licensed under this chapter	2213
to practice dentistry.	2214
(E) "Dental hygienist" means an individual licensed under	2215
this chapter to practice as a dental hygienist.	2216
(F) "Dental hygiene services" means the prophylactic,	2217
preventive, and other procedures that dentists are authorized by	2218
this chapter and rules of the state dental board to assign to	2219
dental hygienists, except for procedures while a patient is	2220
anesthetized, definitive root planing, definitive subgingival	2221
curettage, the administration of local anesthesia, and the	2222
procedures specified in rules adopted by the board as described in	2223
division (C)(3) of section 4715.22 of the Revised Code.	2224
(G) "Facility" means any of the following:	2225
(1) A health care facility, as defined in section 4715.22 of	2226
the Revised Code;	2227
(2) A state correctional institution, as defined in section	2228
2967.01 of the Revised Code;	2229
(3) A comprehensive child development program that receives	2230
funds distributed under the "Head Start Act," 95 Stat. 499 (1981),	2231
42 U.S.C. 9831, as amended, and is licensed as a child day-care	2232
center;	2233

- (4) A residential facility licensed under section 5123.19 of the Revised Code; 2234
2235
- (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 2236
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2239
- (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 2240
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2242
2243
- (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 2244
2245
2246
- (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code; 2247
2248
- (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code; 2249
2250
- (10) A foster home, as defined in section 5103.02 of the Revised Code; 2251
2252
- (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code; 2253
2254
- (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~3701.881~~ 3740.11 of the Revised Code; 2255
2256
2257
- (13) A dispensary; 2258
- (14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs; 2259
2260
- (15) The residence of one or more individuals enrolled in a 2261

home and community-based services medicaid waiver component, as	2262
defined in section 5166.01 of the Revised Code;	2263
(16) A facility operated by the board of health of a city or	2264
general health district or the authority having the duties of a	2265
board of health under section 3709.05 of the Revised Code;	2266
(17) A women, infants, and children clinic;	2267
(18) A mobile dental facility, as defined in section 4715.70	2268
of the Revised Code, located at any location listed in divisions	2269
(G)(1) to (17) of this section;	2270
(19) Any other location, as specified by the state dental	2271
board in rules adopted under section 4715.372 of the Revised Code,	2272
that is in an area designated as a dental health resource shortage	2273
area pursuant to section 3702.87 of the Revised Code and provides	2274
health care services to individuals who are medicaid recipients	2275
and to indigent and uninsured persons, as defined in section	2276
2305.234 of the Revised Code.	2277
Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of	2278
the Revised Code:	2279
(1) "Affiliate" means a business entity that is owned by,	2280
operated by, controlled by, or under common control with another	2281
business entity.	2282
(2) "Communication" means a written or oral notification or	2283
advertisement that meets both of the following criteria, as	2284
applicable:	2285
(a) The notification or advertisement is transmitted by or on	2286
behalf of the seller of goods or services and by or through any	2287
printed, audio, video, cinematic, telephonic, or electronic means.	2288
(b) In the case of a notification or advertisement other than	2289

by telephone, either of the following conditions is met: 2290

(i) The notification or advertisement is followed by a 2291
telephone call from a telephone solicitor or salesperson. 2292

(ii) The notification or advertisement invites a response by 2293
telephone, and, during the course of that response, a telephone 2294
solicitor or salesperson attempts to make or makes a sale of goods 2295
or services. As used in division (A)(2)(b)(ii) of this section, 2296
"invites a response by telephone" excludes the mere listing or 2297
inclusion of a telephone number in a notification or 2298
advertisement. 2299

(3) "Gift, award, or prize" means anything of value that is 2300
offered or purportedly offered, or given or purportedly given by 2301
chance, at no cost to the receiver and with no obligation to 2302
purchase goods or services. As used in this division, "chance" 2303
includes a situation in which a person is guaranteed to receive an 2304
item and, at the time of the offer or purported offer, the 2305
telephone solicitor does not identify the specific item that the 2306
person will receive. 2307

(4) "Goods or services" means any real property or any 2308
tangible or intangible personal property, or services of any kind 2309
provided or offered to a person. "Goods or services" includes, but 2310
is not limited to, advertising; labor performed for the benefit of 2311
a person; personal property intended to be attached to or 2312
installed in any real property, regardless of whether it is so 2313
attached or installed; timeshare estates or licenses; and extended 2314
service contracts. 2315

(5) "Purchaser" means a person that is solicited to become or 2316
does become financially obligated as a result of a telephone 2317
solicitation. 2318

(6) "Salesperson" means an individual who is employed,	2319
appointed, or authorized by a telephone solicitor to make	2320
telephone solicitations but does not mean any of the following:	2321
(a) An individual who comes within one of the exemptions in	2322
division (B) of this section;	2323
(b) An individual employed, appointed, or authorized by a	2324
person who comes within one of the exemptions in division (B) of	2325
this section;	2326
(c) An individual under a written contract with a person who	2327
comes within one of the exemptions in division (B) of this	2328
section, if liability for all transactions with purchasers is	2329
assumed by the person so exempted.	2330
(7) "Telephone solicitation" means a communication to a	2331
person that meets both of the following criteria:	2332
(a) The communication is initiated by or on behalf of a	2333
telephone solicitor or by a salesperson.	2334
(b) The communication either represents a price or the	2335
quality or availability of goods or services or is used to induce	2336
the person to purchase goods or services, including, but not	2337
limited to, inducement through the offering of a gift, award, or	2338
prize.	2339
(8) "Telephone solicitor" means a person that engages in	2340
telephone solicitation directly or through one or more	2341
salespersons either from a location in this state, or from a	2342
location outside this state to persons in this state. "Telephone	2343
solicitor" includes, but is not limited to, any such person that	2344
is an owner, operator, officer, or director of, partner in, or	2345
other individual engaged in the management activities of, a	2346
business.	2347

(B) A telephone solicitor is exempt from the provisions of sections 4719.02 to 4719.18 and section 4719.99 of the Revised Code if the telephone solicitor is any one of the following:

(1) A person engaging in a telephone solicitation that is a one-time or infrequent transaction not done in the course of a pattern of repeated transactions of a like nature;

(2) A person engaged in telephone solicitation solely for religious or political purposes; a charitable organization, fund-raising counsel, or professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; or any person or other entity exempt under section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code;

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by

the division of securities under Chapter 1707. of the Revised	2378
Code; or by an official or agency of any other state of the United	2379
States.	2380
(5)(a) A person primarily engaged in soliciting the sale of a	2381
newspaper of general circulation;	2382
(b) As used in division (B)(5)(a) of this section, "newspaper	2383
of general circulation" includes, but is not limited to, both of	2384
the following:	2385
(i) A newspaper that is a daily law journal designated as an	2386
official publisher of court calendars pursuant to section 2701.09	2387
of the Revised Code;	2388
(ii) A newspaper or publication that has at least twenty-five	2389
per cent editorial, non-advertising content, exclusive of inserts,	2390
measured relative to total publication space, and an audited	2391
circulation to at least fifty per cent of the households in the	2392
newspaper's retail trade zone as defined by the audit.	2393
(6)(a) An issuer, or its subsidiary, that has a class of	2394
securities to which all of the following apply:	2395
(i) The class of securities is subject to section 12 of the	2396
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is	2397
registered or is exempt from registration under 15 U.S.C.A.	2398
781(g)(2)(A), (B), (C), (E), (F), (G), or (H);	2399
(ii) The class of securities is listed on the New York stock	2400
exchange, the American stock exchange, or the NASDAQ national	2401
market system;	2402
(iii) The class of securities is a reported security as	2403
defined in 17 C.F.R. 240.11Aa3-1(a)(4).	2404
(b) An issuer, or its subsidiary, that formerly had a class	2405

of securities that met the criteria set forth in division 2406
 (B)(6)(a) of this section if the issuer, or its subsidiary, has a 2407
 net worth in excess of one hundred million dollars, files or its 2408
 parent files with the securities and exchange commission an S.E.C. 2409
 form 10-K, and has continued in substantially the same business 2410
 since it had a class of securities that met the criteria in 2411
 division (B)(6)(a) of this section. As used in division (B)(6)(b) 2412
 of this section, "issuer" and "subsidiary" include the successor 2413
 to an issuer or subsidiary. 2414

(7) A person soliciting a transaction regulated by the 2415
 commodity futures trading commission, if the person is registered 2416
 or temporarily registered for that activity with the commission 2417
 under 7 U.S.C.A. 1 et seq. and the registration or temporary 2418
 registration has not expired or been suspended or revoked; 2419

(8) A person soliciting the sale of any book, record, audio 2420
 tape, compact disc, or video, if the person allows the purchaser 2421
 to review the merchandise for at least seven days and provides a 2422
 full refund within thirty days to a purchaser who returns the 2423
 merchandise or if the person solicits the sale on behalf of a 2424
 membership club operating in compliance with regulations adopted 2425
 by the federal trade commission in 16 C.F.R. 425; 2426

(9) A supervised financial institution or its subsidiary. As 2427
 used in division (B)(9) of this section, "supervised financial 2428
 institution" means a bank, trust company, savings and loan 2429
 association, savings bank, credit union, industrial loan company, 2430
 consumer finance lender, commercial finance lender, or institution 2431
 described in section 2(c)(2)(F) of the "Bank Holding Company Act 2432
 of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 2433
 official or agency of the United States, this state, or any other 2434
 state of the United States; or a licensee or registrant under 2435

sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to	2436
1321.83, or Chapter 1322. of the Revised Code.	2437
(10)(a) An insurance company, association, or other	2438
organization that is licensed or authorized to conduct business in	2439
this state by the superintendent of insurance pursuant to Title	2440
XXXIX of the Revised Code or Chapter 1751. of the Revised Code,	2441
when soliciting within the scope of its license or authorization.	2442
(b) A licensed insurance broker, agent, or solicitor when	2443
soliciting within the scope of the person's license. As used in	2444
division (B)(10)(b) of this section, "licensed insurance broker,	2445
agent, or solicitor" means any person licensed as an insurance	2446
broker, agent, or solicitor by the superintendent of insurance	2447
pursuant to Title XXXIX of the Revised Code.	2448
(11) A person soliciting the sale of services provided by a	2449
cable television system operating under authority of a	2450
governmental franchise or permit;	2451
(12) A person soliciting a business-to-business sale under	2452
which any of the following conditions are met:	2453
(a) The telephone solicitor has been operating continuously	2454
for at least three years under the same business name under which	2455
it solicits purchasers, and at least fifty-one per cent of its	2456
gross dollar volume of sales consists of repeat sales to existing	2457
customers to whom it has made sales under the same business name.	2458
(b) The purchaser business intends to resell the goods	2459
purchased.	2460
(c) The purchaser business intends to use the goods or	2461
services purchased in a recycling, reuse, manufacturing, or	2462
remanufacturing process.	2463
(d) The telephone solicitor is a publisher of a periodical or	2464

of magazines distributed as controlled circulation publications as 2465
defined in division (CC) of section 5739.01 of the Revised Code 2466
and is soliciting sales of advertising, subscriptions, reprints, 2467
lists, information databases, conference participation or 2468
sponsorships, trade shows or media products related to the 2469
periodical or magazine, or other publishing services provided by 2470
the controlled circulation publication. 2471

(13) A person that, not less often than once each year, 2472
publishes and delivers to potential purchasers a catalog that 2473
complies with both of the following: 2474

(a) It includes all of the following: 2475

(i) The business address of the seller; 2476

(ii) A written description or illustration of each good or 2477
service offered for sale; 2478

(iii) A clear and conspicuous disclosure of the sale price of 2479
each good or service; shipping, handling, and other charges; and 2480
return policy. 2481

(b) One of the following applies: 2482

(i) The catalog includes at least twenty-four pages of 2483
written material and illustrations, is distributed in more than 2484
one state, and has an annual postage-paid mail circulation of not 2485
less than two hundred fifty thousand households; 2486

(ii) The catalog includes at least ten pages of written 2487
material or an equivalent amount of material in electronic form on 2488
the internet or an on-line computer service, the person does not 2489
solicit customers by telephone but solely receives telephone calls 2490
made in response to the catalog, and during the calls the person 2491
takes orders but does not engage in further solicitation of the 2492
purchaser. As used in division (B)(13)(b)(ii) of this section, 2493

"further solicitation" does not include providing the purchaser	2494
with information about, or attempting to sell, any other item in	2495
the catalog that prompted the purchaser's call or in a	2496
substantially similar catalog issued by the seller.	2497
(14) A political subdivision or instrumentality of the United	2498
States, this state, or any state of the United States;	2499
(15) A college or university or any other public or private	2500
institution of higher education in this state;	2501
(16) A public utility as defined in section 4905.02 of the	2502
Revised Code or a retail natural gas supplier as defined in	2503
section 4929.01 of the Revised Code, if the utility or supplier is	2504
subject to regulation by the public utilities commission, or the	2505
affiliate of the utility or supplier;	2506
(17) A person that solicits sales through a television	2507
program or advertisement that is presented in the same market area	2508
no fewer than twenty days per month or offers for sale no fewer	2509
than ten distinct items of goods or services; and offers to the	2510
purchaser an unconditional right to return any good or service	2511
purchased within a period of at least seven days and to receive a	2512
full refund within thirty days after the purchaser returns the	2513
good or cancels the service;	2514
(18)(a) A person that, for at least one year, has been	2515
operating a retail business under the same name as that used in	2516
connection with telephone solicitation and both of the following	2517
occur on a continuing basis:	2518
(i) The person either displays goods and offers them for	2519
retail sale at the person's business premises or offers services	2520
for sale and provides them at the person's business premises.	2521
(ii) At least fifty-one per cent of the person's gross dollar	2522

volume of retail sales involves purchases of goods or services at	2523
the person's business premises.	2524
(b) An affiliate of a person that meets the requirements in	2525
division (B)(18)(a) of this section if the affiliate meets all of	2526
the following requirements:	2527
(i) The affiliate has operated a retail business for a period	2528
of less than one year;	2529
(ii) The affiliate either displays goods and offers them for	2530
retail sale at the affiliate's business premises or offers	2531
services for sale and provides them at the affiliate's business	2532
premises;	2533
(iii) At least fifty-one per cent of the affiliate's gross	2534
dollar volume of retail sales involves purchases of goods or	2535
services at the affiliate's business premises.	2536
(c) A person that, for a period of less than one year, has	2537
been operating a retail business in this state under the same name	2538
as that used in connection with telephone solicitation, as long as	2539
all of the following requirements are met:	2540
(i) The person either displays goods and offers them for	2541
retail sale at the person's business premises or offers services	2542
for sale and provides them at the person's business premises;	2543
(ii) The goods or services that are the subject of telephone	2544
solicitation are sold at the person's business premises, and at	2545
least sixty-five per cent of the person's gross dollar volume of	2546
retail sales involves purchases of goods or services at the	2547
person's business premises;	2548
(iii) The person conducts all telephone solicitation	2549
activities according to sections 310.3, 310.4, and 310.5 of the	2550
telemarketing sales rule adopted by the federal trade commission	2551

in 16 C.F.R. part 310. 2552

(19) A person who performs telephone solicitation sales 2553
services on behalf of other persons and to whom one of the 2554
following applies: 2555

(a) The person has operated under the same ownership, 2556
control, and business name for at least five years, and the person 2557
receives at least seventy-five per cent of its gross revenues from 2558
written telephone solicitation contracts with persons who come 2559
within one of the exemptions in division (B) of this section. 2560

(b) The person is an affiliate of one or more exempt persons 2561
and makes telephone solicitations on behalf of only the exempt 2562
persons of which it is an affiliate. 2563

(c) The person makes telephone solicitations on behalf of 2564
only exempt persons, the person and each exempt person on whose 2565
behalf telephone solicitations are made have entered into a 2566
written contract that specifies the manner in which the telephone 2567
solicitations are to be conducted and that at a minimum requires 2568
compliance with the telemarketing sales rule adopted by the 2569
federal trade commission in 16 C.F.R. part 310, and the person 2570
conducts the telephone solicitations in the manner specified in 2571
the written contract. 2572

(d) The person performs telephone solicitation for religious 2573
or political purposes, a charitable organization, a fund-raising 2574
council, or a professional solicitor in compliance with the 2575
registration and reporting requirements of Chapter 1716. of the 2576
Revised Code; and meets all of the following requirements: 2577

(i) The person has operated under the same ownership, 2578
control, and business name for at least five years, and the person 2579
receives at least fifty-one per cent of its gross revenues from 2580

written telephone solicitation contracts with persons who come	2581
within the exemption in division (B)(2) of this section;	2582
(ii) The person does not conduct a prize promotion or offer	2583
the sale of an investment opportunity;	2584
(iii) The person conducts all telephone solicitation	2585
activities according to sections 310.3, 310.4, and 310.5 of the	2586
telemarketing sales rules adopted by the federal trade commission	2587
in 16 C.F.R. part 310.	2588
(20) A person that is a licensed real estate salesperson or	2589
broker under Chapter 4735. of the Revised Code when soliciting	2590
within the scope of the person's license;	2591
(21)(a) Either of the following:	2592
(i) A publisher that solicits the sale of the publisher's	2593
periodical or magazine of general, paid circulation, or a person	2594
that solicits a sale of that nature on behalf of a publisher under	2595
a written agreement directly between the publisher and the person.	2596
(ii) A publisher that solicits the sale of the publisher's	2597
periodical or magazine of general, paid circulation, or a person	2598
that solicits a sale of that nature as authorized by a publisher	2599
under a written agreement directly with a publisher's	2600
clearinghouse provided the person is a resident of Ohio for more	2601
than three years and initiates all telephone solicitations from	2602
Ohio and the person conducts the solicitation and sale in	2603
compliance with 16 C.F.R. part 310, as adopted by the federal	2604
trade commission.	2605
(b) As used in division (B)(21) of this section, "periodical	2606
or magazine of general, paid circulation" excludes a periodical or	2607
magazine circulated only as part of a membership package or given	2608
as a free gift or prize from the publisher or person.	2609

(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, if the person does not intend the solicitation to result in, or the solicitation actually does not result in, a sale that costs the purchaser an amount greater than five hundred dollars.

(23) A funeral director licensed pursuant to Chapter 4717. of the Revised Code when soliciting within the scope of that license, if both of the following apply:

(a) The solicitation and sale are conducted in compliance with 16 C.F.R. part 453, as adopted by the federal trade commission, and with sections 1107.33 and 1345.21 to 1345.28 of the Revised Code;

(b) The person provides to the purchaser of any preneed funeral contract a notice that clearly and conspicuously sets forth the cancellation rights specified in division (G) of section 1107.33 of the Revised Code, and retains a copy of the notice signed by the purchaser.

(24) A person, or affiliate thereof, licensed to sell or issue Ohio instruments designated as travelers checks pursuant to sections 1315.01 to 1315.18 of the Revised Code.

(25) A person that solicits sales from its previous purchasers and meets all of the following requirements:

(a) The solicitation is made under the same business name that was previously used to sell goods or services to the purchaser;

(b) The person has, for a period of not less than three years, operated a business under the same business name as that used in connection with telephone solicitation;

(c) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(d) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310;

(e) Neither the person nor any of its principals has been convicted of, pleaded guilty to, or has entered a plea of no contest for a felony or a theft offense as defined in sections 2901.02 and 2913.01 of the Revised Code or similar law of another state or of the United States;

(f) Neither the person nor any of its principals has had entered against them an injunction or a final judgment or order, including an agreed judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving engaging in a pattern of corrupt practices, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice.

(26) An institution defined as a home health agency in section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310, and engages in telephone solicitation only within the scope of the institution's certification, accreditation, contract with the department of aging, or status as a home health agency; and that meets one of the following requirements:

(a) The institution is certified as a provider of home health

services under Title XVIII of the Social Security Act, 49 Stat. 2669
620, 42 U.S.C. 301, as amended; 2670

(b) The institution is accredited by either the joint 2671
commission on accreditation of health care organizations or the 2672
community health accreditation program; 2673

(c) The institution is providing PASSPORT services under the 2674
direction of the department of aging under sections 173.52 to 2675
173.523 of the Revised Code; 2676

(d) An affiliate of an institution that meets the 2677
requirements of division (B)(26)(a), (b), or (c) of this section 2678
when offering for sale substantially the same goods and services 2679
as those that are offered by the institution that meets the 2680
requirements of division (B)(26)(a), (b), or (c) of this section. 2681

(27) A person licensed by the department of health pursuant 2682
to section 3712.04 or 3712.041 of the Revised Code to provide a 2683
hospice care program or pediatric respite care program when 2684
conducting telephone solicitations within the scope of the 2685
person's license and according to sections 310.3, 310.4, and 310.5 2686
of the telemarketing sales rules adopted by the federal trade 2687
commission in 16 C.F.R. part 310. 2688

Sec. 4723.431. (A)(1) An advanced practice registered nurse 2689
who is designated as a clinical nurse specialist, certified 2690
nurse-midwife, or certified nurse practitioner may practice only 2691
in accordance with a standard care arrangement entered into with 2692
each physician or podiatrist with whom the nurse collaborates. A 2693
copy of the standard care arrangement shall be retained on file by 2694
the nurse's employer. Prior approval of the standard care 2695
arrangement by the board of nursing is not required, but the board 2696
may periodically review it for compliance with this section. 2697

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American

nurses credentialing center, the nurse may enter into a standard	2728
care arrangement with a physician but not a podiatrist and the	2729
collaborating physician must be practicing in one of the following	2730
specialties:	2731
(i) Psychiatry;	2732
(ii) Pediatrics;	2733
(iii) Primary care or family practice.	2734
(B) A standard care arrangement shall be in writing and shall	2735
contain all of the following:	2736
(1) Criteria for referral of a patient by the clinical nurse	2737
specialist, certified nurse-midwife, or certified nurse	2738
practitioner to a collaborating physician or podiatrist or another	2739
physician or podiatrist;	2740
(2) A process for the clinical nurse specialist, certified	2741
nurse-midwife, or certified nurse practitioner to obtain a	2742
consultation with a collaborating physician or podiatrist or	2743
another physician or podiatrist;	2744
(3) A plan for coverage in instances of emergency or planned	2745
absences of either the clinical nurse specialist, certified	2746
nurse-midwife, or certified nurse practitioner or a collaborating	2747
physician or podiatrist that provides the means whereby a	2748
physician or podiatrist is available for emergency care;	2749
(4) The process for resolution of disagreements regarding	2750
matters of patient management between the clinical nurse	2751
specialist, certified nurse-midwife, or certified nurse	2752
practitioner and a collaborating physician or podiatrist;	2753
(5) Any other criteria required by rule of the board adopted	2754
pursuant to section 4723.07 or 4723.50 of the Revised Code.	2755

(C)(1) A standard care arrangement entered into pursuant to 2756
 this section may permit a clinical nurse specialist, certified 2757
 nurse-midwife, or certified nurse practitioner to supervise 2758
 services provided by a home health agency as defined in section 2759
~~3701.881~~ 3740.01 of the Revised Code. 2760

(2) A standard care arrangement entered into pursuant to this 2761
 section may permit a clinical nurse specialist, certified 2762
 nurse-midwife, or certified nurse practitioner to admit a patient 2763
 to a hospital in accordance with section 3727.06 of the Revised 2764
 Code. 2765

(D)(1) Except as provided in division (D)(2) of this section, 2766
 if a physician or podiatrist terminates the collaboration between 2767
 the physician or podiatrist and a certified nurse-midwife, 2768
 certified nurse practitioner, or clinical nurse specialist before 2769
 their standard care arrangement expires, all of the following 2770
 apply: 2771

(a) The physician or podiatrist must give the nurse written 2772
 or electronic notice of the termination. 2773

(b) Once the nurse receives the termination notice, the nurse 2774
 must notify the board of nursing of the termination as soon as 2775
 practicable by submitting to the board a copy of the physician's 2776
 or podiatrist's termination notice. 2777

(c) Notwithstanding the requirement of section 4723.43 of the 2778
 Revised Code that the nurse practice in collaboration with a 2779
 physician or podiatrist, the nurse may continue to practice under 2780
 the existing standard care arrangement without a collaborating 2781
 physician or podiatrist for not more than one hundred twenty days 2782
 after submitting to the board a copy of the termination notice. 2783

(2) In the event that the collaboration between a physician 2784

or podiatrist and a certified nurse-midwife, certified nurse
 practitioner, or clinical nurse specialist terminates because of
 the physician's or podiatrist's death, the nurse must notify the
 board of the death as soon as practicable. The nurse may continue
 to practice under the existing standard care arrangement without a
 collaborating physician or podiatrist for not more than one
 hundred twenty days after notifying the board of the physician's
 or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring
 a clinical nurse specialist, certified nurse-midwife, or certified
 nurse practitioner as an employee and negotiating standard care
 arrangements on behalf of the employee as necessary to meet the
 requirements of this section. A standard care arrangement between
 the hospital's employee and the employee's collaborating physician
 is subject to approval by the medical staff and governing body of
 the hospital prior to implementation of the arrangement at the
 hospital."

After line 50987, insert:

"**Sec. 4729.43.** (A) As used in this section:

(1) "Home health agency" has the same meaning as in section
~~3701.881~~ 3740.01 of the Revised Code.

(2) "Hospice care program" and "hospice patient" have the
 same meanings as in section 3712.01 of the Revised Code.

(B) With regard to a dangerous drug that is indicated for the
 treatment of cancer or a cancer-related illness, must be
 administered intravenously or by subcutaneous injection, and
 cannot reasonably be self-administered by the patient to whom the
 drug is prescribed or by an individual assisting the patient with
 the self-administration, a pharmacist shall not dispense the drug

by delivering the drug directly to any of the following or causing	2814
the drug to be delivered directly to any of the following:	2815
(1) The patient;	2816
(2) The patient's representative, which may include the	2817
patient's guardian or a family member or friend of the patient;	2818
(3) The patient's private residence unless any of the	2819
following is the case:	2820
(a) The patient's private residence is a nursing home,	2821
residential care facility, rehabilitation facility, or similar	2822
institutional facility or health care facility.	2823
(b) If the patient is an adult and a hospice patient or	2824
client of a home health agency, the patient, the licensed health	2825
professional authorized to prescribe drugs who prescribed the drug	2826
to the patient, or an employee or agent of the prescriber has	2827
notified the pharmacist that the patient is a hospice patient or	2828
client of a home health agency and an employee or agent of the	2829
hospice care program or home health agency will be administering	2830
the drug to the patient.	2831
(c) If the patient is a minor and a hospice patient or client	2832
of a home health agency, either of the following has notified the	2833
pharmacist that the patient is a client of a home health agency	2834
and an employee or agent of the hospice care program or home	2835
health agency will be administering the drug to the patient:	2836
(i) The licensed health professional authorized to prescribe	2837
drugs who prescribed the drug to the patient or an employee or	2838
agent of the prescriber;	2839
(ii) The parent, guardian, or other person who has care or	2840
charge of the patient and is authorized to consent to medical	2841
treatment on behalf of the patient."	2842

After line 53455, insert:	2843
"Sec. 5101.63. (A)(1) Any individual listed in division	2844
(A)(2) of this section having reasonable cause to believe that an	2845
adult is being abused, neglected, or exploited, or is in a	2846
condition which is the result of abuse, neglect, or exploitation	2847
shall immediately report such belief to the county department of	2848
job and family services.	2849
(2) All of the following are subject to division (A)(1) of	2850
this section:	2851
(a) An attorney admitted to the practice of law in this	2852
state;	2853
(b) An individual authorized under Chapter 4731. of the	2854
Revised Code to practice medicine and surgery, osteopathic	2855
medicine and surgery, or podiatric medicine and surgery;	2856
(c) An individual licensed under Chapter 4734. of the Revised	2857
Code as a chiropractor;	2858
(d) An individual licensed under Chapter 4715. of the Revised	2859
Code as a dentist;	2860
(e) An individual licensed under Chapter 4723. of the Revised	2861
Code as a registered nurse or licensed practical nurse;	2862
(f) An individual licensed under Chapter 4732. of the Revised	2863
Code as a psychologist;	2864
(g) An individual licensed under Chapter 4757. of the Revised	2865
Code as a social worker, independent social worker, professional	2866
counselor, professional clinical counselor, marriage and family	2867
therapist, or independent marriage and family therapist;	2868
(h) An individual licensed under Chapter 4729. of the Revised	2869

Code as a pharmacist;	2870
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	2871 2872 2873
(j) An employee of a home health agency, as defined in section 3701.881 <u>3740.01</u> of the Revised Code;	2874 2875
(k) An employee of an outpatient health facility;	2876
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	2877 2878
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	2879 2880
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	2881 2882
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	2883 2884 2885 2886
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	2887 2888 2889 2890
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	2891 2892
(r) A humane society agent appointed under section 1717.06 of the Revised Code;	2893 2894
(s) An individual who is a firefighter for a lawfully constituted fire department;	2895 2896

(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	2897 2898 2899
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	2900 2901 2902
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	2903 2904
(w) A peace officer;	2905
(x) A coroner;	2906
(y) A member of the clergy;	2907
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	2908 2909 2910
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	2911 2912
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	2913 2914
(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;	2915 2916 2917
(dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707. of the Revised Code;	2918 2919 2920
(ee) A financial planner accredited by a national accreditation agency;	2921 2922
(ff) Any other individual who is a senior service provider,	2923

other than a representative of the office of the state long-term
care ombudsman program as defined in section 173.14 of the Revised
Code.

(B) Any person having reasonable cause to believe that an
adult has suffered abuse, neglect, or exploitation may report, or
cause a report to be made of such belief to the county department
of job and family services.

This division applies to a representative of the office of
the state long-term care ombudsman program only to the extent
permitted by federal law.

(C) The reports made under this section shall be made orally
or in writing except that oral reports shall be followed by a
written report if a written report is requested by the department.
Written reports shall include:

(1) The name, address, and approximate age of the adult who
is the subject of the report;

(2) The name and address of the individual responsible for
the adult's care, if any individual is, and if the individual is
known;

(3) The nature and extent of the alleged abuse, neglect, or
exploitation of the adult;

(4) The basis of the reporter's belief that the adult has
been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult
is suffering abuse, neglect, or exploitation who makes a report
pursuant to this section or who testifies in any administrative or
judicial proceeding arising from such a report, or any employee of
the state or any of its subdivisions who is discharging
responsibilities under section 5101.65 of the Revised Code shall

be immune from civil or criminal liability on account of such 2953
 investigation, report, or testimony, except liability for perjury, 2954
 unless the person has acted in bad faith or with malicious 2955
 purpose. 2956

(E) No employer or any other person with the authority to do 2957
 so shall do any of the following as a result of an employee's 2958
 having filed a report under this section: 2959

(1) Discharge, demote, transfer, or prepare a negative work 2960
 performance evaluation; 2961

(2) Reduce benefits, pay, or work privileges; 2962

(3) Take any other action detrimental to an employee or in 2963
 any way retaliate against the employee. 2964

(F) The written or oral report provided for in this section 2965
 and the investigatory report provided for in section 5101.65 of 2966
 the Revised Code are confidential and are not public records, as 2967
 defined in section 149.43 of the Revised Code. In accordance with 2968
 rules adopted by the department of job and family services, 2969
 information contained in the report shall upon request be made 2970
 available to the adult who is the subject of the report and to 2971
 legal counsel for the adult. If it determines that there is a risk 2972
 of harm to a person who makes a report under this section or to 2973
 the adult who is the subject of the report, the county department 2974
 of job and family services may redact the name and identifying 2975
 information related to the person who made the report. 2976

(G) The county department of job and family services shall be 2977
 available to receive the written or oral report provided for in 2978
 this section twenty-four hours a day and seven days a week." 2979

After line 59656, insert: 2980

"Sec. 5164.34. (A) As used in this section:	2981
(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	2982 2983
(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	2984 2985 2986
(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.	2987 2988 2989
(4) "Person subject to the criminal records check requirement" means the following:	2990 2991
(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;	2992 2993 2994
(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	2995 2996 2997 2998 2999 3000 3001
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	3002 3003
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	3004 3005 3006
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	3007 3008

- (5) "Responsible entity" means the following: 3009
- (a) With respect to a criminal records check required under 3010
 this section for a medicaid provider, the department of medicaid 3011
 or the department's designee; 3012
- (b) With respect to a criminal records check required under 3013
 this section for an owner or prospective owner, officer or 3014
 prospective officer, board member or prospective board member, or 3015
 employee or prospective employee of a medicaid provider, the 3016
 provider. 3017
- (B) This section does not apply to any of the following: 3018
- (1) An individual who is subject to a criminal records check 3019
 under section 3712.09, 3721.121, 5123.081, or 5123.169 of the 3020
 Revised Code; 3021
- (2) An individual who is subject to a database review or 3022
 criminal records check under section 173.38, 173.381, ~~3701.881~~ 3023
3740.11, or 5164.342 of the Revised Code; 3024
- (3) An individual who is an applicant or independent 3025
 provider, both as defined in section 5164.341 of the Revised Code. 3026
- (C) The department of medicaid may do any of the following: 3027
- (1) Require that any medicaid provider submit to a criminal 3028
 records check as a condition of obtaining or maintaining a 3029
 provider agreement; 3030
- (2) Require that any medicaid provider require an owner or 3031
 prospective owner, officer or prospective officer, or board member 3032
 or prospective board member of the provider submit to a criminal 3033
 records check as a condition of being an owner, officer, or board 3034
 member of the provider; 3035
- (3) Require that any medicaid provider do the following: 3036

(a) If so required by rules authorized by this section, 3037
determine pursuant to a database review conducted under division 3038
(F)(1)(a) of this section whether any employee or prospective 3039
employee of the provider is included in a database; 3040

(b) Unless the provider is prohibited by division (D)(3)(b) 3041
of this section from employing the employee or prospective 3042
employee, require the employee or prospective employee to submit 3043
to a criminal records check as a condition of being an employee of 3044
the provider. 3045

(D)(1) The department or the department's designee shall deny 3046
or terminate a medicaid provider's provider agreement if the 3047
provider is a person subject to the criminal records check 3048
requirement and either of the following applies: 3049

(a) The provider fails to obtain the criminal records check 3050
after being given the information specified in division (G)(1) of 3051
this section. 3052

(b) Except as provided in rules authorized by this section, 3053
the provider is found by the criminal records check to have been 3054
convicted of or have pleaded guilty to a disqualifying offense, 3055
regardless of the date of the conviction or the date of entry of 3056
the guilty plea. 3057

(2) No medicaid provider shall permit a person to be an 3058
owner, officer, or board member of the provider if the person is a 3059
person subject to the criminal records check requirement and 3060
either of the following applies: 3061

(a) The person fails to obtain the criminal records check 3062
after being given the information specified in division (G)(1) of 3063
this section. 3064

(b) Except as provided in rules authorized by this section, 3065

the person is found by the criminal records check to have been 3066
convicted of or have pleaded guilty to a disqualifying offense, 3067
regardless of the date of the conviction or the date of entry of 3068
the guilty plea. 3069

(3) Except as provided in division (I) of this section, no 3070
medicaid provider shall employ a person if any of the following 3071
apply: 3072

(a) The person has been excluded from being a medicaid 3073
provider, a medicare provider, or provider for any other federal 3074
health care program. 3075

(b) If the person is subject to a database review conducted 3076
under division (F)(1)(a) of this section, the person is found by 3077
the database review to be included in a database and the rules 3078
authorized by this section regarding the database review prohibit 3079
the provider from employing a person included in the database. 3080

(c) If the person is a person subject to the criminal records 3081
check requirement, either of the following applies: 3082

(i) The person fails to obtain the criminal records check 3083
after being given the information specified in division (G)(1) of 3084
this section. 3085

(ii) Except as provided in rules authorized by this section, 3086
the person is found by the criminal records check to have been 3087
convicted of or have pleaded guilty to a disqualifying offense, 3088
regardless of the date of the conviction or the date of entry of 3089
the guilty plea. 3090

(E)(1) The department or the department's designee shall 3091
inform each medicaid provider whether the provider is subject to a 3092
criminal records check. For providers with valid provider 3093
agreements, the information shall be given at times designated in 3094

rules authorized by this section. For providers applying to be
medicaid providers, the information shall be given at the time of
initial application. When the information is given, the department
or the department's designee shall specify the following:

(a) Which of the provider's owners or prospective owners,
officers or prospective officers, or board members or prospective
board members are subject to a criminal records check;

(b) Which of the provider's employees or prospective
employees are subject to division (C)(3) of this section.

(2) At times designated in rules authorized by this section,
a medicaid provider that is a person subject to the criminal
records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of
this section that the person is required to submit to a criminal
records check as a condition of being an owner, officer, or board
member of the provider;

(b) Inform each person specified under division (E)(1)(b) of
this section that the person is subject to division (C)(3) of this
section.

(F)(1) If a medicaid provider is a person subject to the
criminal records check requirement, the department or the
department's designee shall require the conduct of a criminal
records check by the superintendent of the bureau of criminal
identification and investigation. A medicaid provider shall
require the conduct of a criminal records check by the
superintendent with respect to each of the persons specified under
division (E)(1)(a) of this section. With respect to each employee
and prospective employee specified under division (E)(1)(b) of
this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider 3124
to conduct a database review to determine whether the employee or 3125
prospective employee is included in a database, conduct the 3126
database review in accordance with the rules; 3127

(b) Unless the provider is prohibited by division (D)(3)(b) 3128
of this section from employing the employee or prospective 3129
employee, require the conduct of a criminal records check of the 3130
employee or prospective employee by the superintendent. 3131

(2) If a person subject to the criminal records check 3132
requirement does not present proof of having been a resident of 3133
this state for the five-year period immediately prior to the date 3134
the criminal records check is requested or provide evidence that 3135
within that five-year period the superintendent has requested 3136
information about the person from the federal bureau of 3137
investigation in a criminal records check, the responsible entity 3138
shall require the person to request that the superintendent obtain 3139
information from the federal bureau of investigation as part of 3140
the criminal records check of the person. Even if the person 3141
presents proof of having been a resident of this state for the 3142
five-year period, the responsible entity may require that the 3143
person request that the superintendent obtain information from the 3144
federal bureau of investigation and include it in the criminal 3145
records check of the person. 3146

(G) Criminal records checks required by this section shall be 3147
obtained as follows: 3148

(1) The responsible entity shall provide each person subject 3149
to the criminal records check requirement information about 3150
accessing and completing the form prescribed pursuant to division 3151
(C)(1) of section 109.572 of the Revised Code and the standard 3152
impression sheet prescribed pursuant to division (C)(2) of that 3153

section. 3154

(2) The person subject to the criminal records check 3155
requirement shall submit the required form and one complete set of 3156
the person's fingerprint impressions directly to the 3157
superintendent for purposes of conducting the criminal records 3158
check using the applicable methods prescribed by division (C) of 3159
section 109.572 of the Revised Code. The person shall pay all fees 3160
associated with obtaining the criminal records check. 3161

(3) The superintendent shall conduct the criminal records 3162
check in accordance with section 109.572 of the Revised Code. The 3163
person subject to the criminal records check requirement shall 3164
instruct the superintendent to submit the report of the criminal 3165
records check directly to the responsible entity. If the 3166
department or the department's designee is not the responsible 3167
entity, the department or designee may require the responsible 3168
entity to submit the report to the department or designee. 3169

(H)(1) A medicaid provider may employ conditionally a person 3170
for whom a criminal records check is required by this section 3171
prior to obtaining the results of the criminal records check if 3172
both of the following apply: 3173

(a) The provider is not prohibited by division (D)(3)(b) of 3174
this section from employing the person. 3175

(b) The person submits a request for the criminal records 3176
check not later than five business days after the person begins 3177
conditional employment. 3178

(2) Except as provided in division (I) of this section, a 3179
medicaid provider that employs a person conditionally under 3180
division (H)(1) of this section shall terminate the person's 3181
employment if either of the following apply: 3182

(a) The results of the criminal records check request are not 3183
 obtained within the period ending sixty days after the date the 3184
 request is made. 3185

(b) Regardless of when the results of the criminal records 3186
 check are obtained, the results indicate that the person has been 3187
 convicted of or has pleaded guilty to a disqualifying offense, 3188
 unless circumstances specified in rules authorized by this section 3189
 exist that permit the provider to employ the person and the 3190
 provider chooses to employ the person. 3191

(I) As used in this division, "behavioral health services" 3192
 means alcohol and drug addiction services, mental health services, 3193
 or both. 3194

A medicaid provider of behavioral health services may choose 3195
 to employ a person who the provider would be prohibited by 3196
 division (D)(3) of this section from employing or would be 3197
 required by division (H)(2) of this section to terminate the 3198
 person's employment if both of the following apply: 3199

(1) The person holds a valid health professional license 3200
 issued under the Revised Code granting the person authority to 3201
 provide behavioral health services, holds a valid peer recovery 3202
 supporter certificate issued pursuant to rules adopted by the 3203
 department of mental health and addiction services, or is in the 3204
 process of obtaining such a license or certificate. 3205

(2) The provider does not submit any medicaid claims for any 3206
 services the person provides. 3207

(J) The report of a criminal records check conducted pursuant 3208
 to this section is not a public record for the purposes of section 3209
 149.43 of the Revised Code and shall not be made available to any 3210
 person other than the following: 3211

(1) The person who is the subject of the criminal records check or the person's representative;	3212 3213
(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	3214 3215
(3) The department's designee;	3216
(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;	3217 3218 3219
(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;	3220 3221 3222
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	3223 3224
(a) The denial or termination of a provider agreement;	3225
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	3226 3227
(c) A civil or criminal action regarding the medicaid program.	3228 3229
(K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	3230 3231 3232 3233 3234
(1) Designate the categories of persons who are subject to a criminal records check under this section;	3235 3236
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a	3237 3238 3239

criminal records check to have been convicted of or pleaded guilty	3240
to a disqualifying offense;	3241
(3) Specify circumstances under which a medicaid provider may	3242
permit a person to be an employee, owner, officer, or board member	3243
of the provider when the person is found by a criminal records	3244
check conducted pursuant to this section to have been convicted of	3245
or have pleaded guilty to a disqualifying offense;	3246
(4) Specify all of the following:	3247
(a) The circumstances under which a database review must be	3248
conducted under division (F)(1)(a) of this section to determine	3249
whether an employee or prospective employee of a medicaid provider	3250
is included in a database;	3251
(b) The procedures for conducting the database review;	3252
(c) The databases that are to be checked;	3253
(d) The circumstances under which, except as provided in	3254
division (I) of this section, a medicaid provider is prohibited	3255
from employing a person who is found by the database review to be	3256
included in a database.	3257
Sec. 5164.342. (A) As used in this section:	3258
"Applicant" means a person who is under final consideration	3259
for employment with a waiver agency in a full-time, part-time, or	3260
temporary position that involves providing home and	3261
community-based services.	3262
"Community-based long-term care provider" means a provider as	3263
defined in section 173.39 of the Revised Code.	3264
"Community-based long-term care subcontractor" means a	3265
subcontractor as defined in section 173.38 of the Revised Code.	3266

"Criminal records check" has the same meaning as in section 3267
109.572 of the Revised Code. 3268

"Disqualifying offense" means any of the offenses listed or 3269
described in divisions (A)(3)(a) to (e) of section 109.572 of the 3270
Revised Code. 3271

"Employee" means a person employed by a waiver agency in a 3272
full-time, part-time, or temporary position that involves 3273
providing home and community-based services. 3274

"Waiver agency" means a person or government entity that 3275
provides home and community-based services under a home and 3276
community-based services medicaid waiver component administered by 3277
the department of medicaid, other than such a person or government 3278
entity that is certified under the medicare program. "Waiver 3279
agency" does not mean an independent provider as defined in 3280
section 5164.341 of the Revised Code. 3281

(B) This section does not apply to any individual who is 3282
subject to a database review or criminal records check under 3283
section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency 3284
also is a community-based long-term care provider or 3285
community-based long-term care subcontractor, the waiver agency 3286
may provide for any of its applicants and employees who are not 3287
subject to database reviews and criminal records checks under 3288
section 173.38 of the Revised Code to undergo database reviews and 3289
criminal records checks in accordance with that section rather 3290
than this section. 3291

(C) No waiver agency shall employ an applicant or continue to 3292
employ an employee in a position that involves providing home and 3293
community-based services if any of the following apply: 3294

(1) A review of the databases listed in division (E) of this 3295

section reveals any of the following: 3296

(a) That the applicant or employee is included in one or more 3297
of the databases listed in divisions (E)(1) to (5) of this 3298
section; 3299

(b) That there is in the state nurse aide registry 3300
established under section 3721.32 of the Revised Code a statement 3301
detailing findings by the director of health that the applicant or 3302
employee abused, neglected, or exploited a long-term care facility 3303
or residential care facility resident or misappropriated property 3304
of such a resident; 3305

(c) That the applicant or employee is included in one or more 3306
of the databases, if any, specified in rules authorized by this 3307
section and the rules prohibit the waiver agency from employing an 3308
applicant or continuing to employ an employee included in such a 3309
database in a position that involves providing home and 3310
community-based services. 3311

(2) After the applicant or employee is given the information 3312
and notification required by divisions (F)(2)(a) and (b) of this 3313
section, the applicant or employee fails to do either of the 3314
following: 3315

(a) Access, complete, or forward to the superintendent of the 3316
bureau of criminal identification and investigation the form 3317
prescribed to division (C)(1) of section 109.572 of the Revised 3318
Code or the standard impression sheet prescribed pursuant to 3319
division (C)(2) of that section; 3320

(b) Instruct the superintendent to submit the completed 3321
report of the criminal records check required by this section 3322
directly to the chief administrator of the waiver agency. 3323

(3) Except as provided in rules authorized by this section, 3324

the applicant or employee is found by a criminal records check 3325
required by this section to have been convicted of or have pleaded 3326
guilty to a disqualifying offense, regardless of the date of the 3327
conviction or date of entry of the guilty plea. 3328

(D) At the time of each applicant's initial application for 3329
employment in a position that involves providing home and 3330
community-based services, the chief administrator of a waiver 3331
agency shall inform the applicant of both of the following: 3332

(1) That a review of the databases listed in division (E) of 3333
this section will be conducted to determine whether the waiver 3334
agency is prohibited by division (C)(1) of this section from 3335
employing the applicant in the position; 3336

(2) That, unless the database review reveals that the 3337
applicant may not be employed in the position, a criminal records 3338
check of the applicant will be conducted and the applicant is 3339
required to provide a set of the applicant's fingerprint 3340
impressions as part of the criminal records check. 3341

(E) As a condition of employing any applicant in a position 3342
that involves providing home and community-based services, the 3343
chief administrator of a waiver agency shall conduct a database 3344
review of the applicant in accordance with rules authorized by 3345
this section. If rules authorized by this section so require, the 3346
chief administrator of a waiver agency shall conduct a database 3347
review of an employee in accordance with the rules as a condition 3348
of continuing to employ the employee in a position that involves 3349
providing home and community-based services. A database review 3350
shall determine whether the applicant or employee is included in 3351
any of the following: 3352

(1) The excluded parties list system that is maintained by 3353
the United States general services administration pursuant to 3354

subpart 9.4 of the federal acquisition regulation and available at 3355
the federal web site known as the system for award management; 3356

(2) The list of excluded individuals and entities maintained 3357
by the office of inspector general in the United States department 3358
of health and human services pursuant to the "Social Security 3359
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 3360

(3) The registry of developmental disabilities employees 3361
established under section 5123.52 of the Revised Code; 3362

(4) The internet-based sex offender and child-victim offender 3363
database established under division (A)(11) of section 2950.13 of 3364
the Revised Code; 3365

(5) The internet-based database of inmates established under 3366
section 5120.66 of the Revised Code; 3367

(6) The state nurse aide registry established under section 3368
3721.32 of the Revised Code; 3369

(7) Any other database, if any, specified in rules authorized 3370
by this section. 3371

(F)(1) As a condition of employing any applicant in a 3372
position that involves providing home and community-based 3373
services, the chief administrator of a waiver agency shall require 3374
the applicant to request that the superintendent of the bureau of 3375
criminal identification and investigation conduct a criminal 3376
records check of the applicant. If rules authorized by this 3377
section so require, the chief administrator of a waiver agency 3378
shall require an employee to request that the superintendent 3379
conduct a criminal records check of the employee at times 3380
specified in the rules as a condition of continuing to employ the 3381
employee in a position that involves providing home and 3382
community-based services. However, a criminal records check is not 3383

required for an applicant or employee if the waiver agency is 3384
prohibited by division (C)(1) of this section from employing the 3385
applicant or continuing to employ the employee in a position that 3386
involves providing home and community-based services. If an 3387
applicant or employee for whom a criminal records check request is 3388
required by this section does not present proof of having been a 3389
resident of this state for the five-year period immediately prior 3390
to the date the criminal records check is requested or provide 3391
evidence that within that five-year period the superintendent has 3392
requested information about the applicant or employee from the 3393
federal bureau of investigation in a criminal records check, the 3394
chief administrator shall require the applicant or employee to 3395
request that the superintendent obtain information from the 3396
federal bureau of investigation as part of the criminal records 3397
check. Even if an applicant or employee for whom a criminal 3398
records check request is required by this section presents proof 3399
of having been a resident of this state for the five-year period, 3400
the chief administrator may require the applicant or employee to 3401
request that the superintendent include information from the 3402
federal bureau of investigation in the criminal records check. 3403

(2) The chief administrator shall provide the following to 3404
each applicant and employee for whom a criminal records check is 3405
required by this section: 3406

(a) Information about accessing, completing, and forwarding 3407
to the superintendent of the bureau of criminal identification and 3408
investigation the form prescribed pursuant to division (C)(1) of 3409
section 109.572 of the Revised Code and the standard impression 3410
sheet prescribed pursuant to division (C)(2) of that section; 3411

(b) Written notification that the applicant or employee is to 3412
instruct the superintendent to submit the completed report of the 3413

criminal records check directly to the chief administrator. 3414

(3) A waiver agency shall pay to the bureau of criminal 3415
identification and investigation the fee prescribed pursuant to 3416
division (C)(3) of section 109.572 of the Revised Code for any 3417
criminal records check required by this section. However, a waiver 3418
agency may require an applicant to pay to the bureau the fee for a 3419
criminal records check of the applicant. If the waiver agency pays 3420
the fee for an applicant, it may charge the applicant a fee not 3421
exceeding the amount the waiver agency pays to the bureau under 3422
this section if the waiver agency notifies the applicant at the 3423
time of initial application for employment of the amount of the 3424
fee and that, unless the fee is paid, the applicant will not be 3425
considered for employment. 3426

(G)(1) A waiver agency may employ conditionally an applicant 3427
for whom a criminal records check is required by this section 3428
prior to obtaining the results of the criminal records check if 3429
both of the following apply: 3430

(a) The waiver agency is not prohibited by division (C)(1) of 3431
this section from employing the applicant in a position that 3432
involves providing home and community-based services. 3433

(b) The chief administrator of the waiver agency requires the 3434
applicant to request a criminal records check regarding the 3435
applicant in accordance with division (F)(1) of this section not 3436
later than five business days after the applicant begins 3437
conditional employment. 3438

(2) A waiver agency that employs an applicant conditionally 3439
under division (G)(1) of this section shall terminate the 3440
applicant's employment if the results of the criminal records 3441
check, other than the results of any request for information from 3442
the federal bureau of investigation, are not obtained within the 3443

period ending sixty days after the date the request for the
criminal records check is made. Regardless of when the results of
the criminal records check are obtained, if the results indicate
that the applicant has been convicted of or has pleaded guilty to
a disqualifying offense, the waiver agency shall terminate the
applicant's employment unless circumstances specified in rules
authorized by this section exist that permit the waiver agency to
employ the applicant and the waiver agency chooses to employ the
applicant.

(H) The report of any criminal records check conducted
pursuant to a request made under this section is not a public
record for the purposes of section 149.43 of the Revised Code and
shall not be made available to any person other than the
following:

(1) The applicant or employee who is the subject of the
criminal records check or the representative of the applicant or
employee;

(2) The chief administrator of the waiver agency that
requires the applicant or employee to request the criminal records
check or the administrator's representative;

(3) The medicaid director and the staff of the department who
are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the
waiver agency also is a community-based long-term care provider or
community-based long-term care subcontractor;

(5) An individual receiving or deciding whether to receive
home and community-based services from the subject of the criminal
records check;

(6) A court, hearing officer, or other necessary individual

involved in a case dealing with any of the following:	3473
(a) A denial of employment of the applicant or employee;	3474
(b) Employment or unemployment benefits of the applicant or employee;	3475 3476
(c) A civil or criminal action regarding the medicaid program.	3477 3478
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	3479 3480
(1) The rules may do the following:	3481
(a) Require employees to undergo database reviews and criminal records checks under this section;	3482 3483
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	3484 3485 3486
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	3487 3488 3489
(2) The rules shall specify all of the following:	3490
(a) The procedures for conducting a database review under this section;	3491 3492
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	3493 3494 3495 3496
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to	3497 3498 3499

employ an employee who is found by the database review to be	3500
included in one or more of those databases;	3501
(d) The circumstances under which a waiver agency may employ	3502
an applicant or employee who is found by a criminal records check	3503
required by this section to have been convicted of or have pleaded	3504
guilty to a disqualifying offense.	3505
(J) The amendments made by H.B. 487 of the 129th general	3506
assembly to this section do not preclude the department of	3507
medicaid from taking action against a person for failure to comply	3508
with former division (H) of this section as that division existed	3509
on the day preceding January 1, 2013."	3510
In line 70828, after "109.08," insert "109.57,"	3511
In line 70839, after "169.07," insert "173.38, 173.381,"	3512
In line 70845, after "1333.15," insert "1337.11,"	3513
In line 70851, after "1907.15," insert "2133.01,"	3514
In line 70852, after "2303.05," insert "2317.54,"	3515
In line 70878, after "3701.132," insert "3701.362,"	3516
In line 70879, after "3701.831" insert "3701.881, 3701.916,"	3517
In line 70891, after "4713.02," insert "4715.36, 4719.01,	3518
4723.431, 4729.43,"	3519
In line 70896, after "5101.341," insert "5101.63,"	3520
In line 70905, after "5163.061," insert "5164.34, 5164.342"	3521

The motion was _____ agreed to.

SYNOPSIS

Expedited licensing inspections	3522
R.C. 3721.02	3523
Authorizes any existing home, not just an existing	3524
residential care facility as in the House-passed version of the	3525
bill, to request an expedited licensing inspection from the	3526
Director of Health when seeking approval to increase or decrease	3527
licensed capacity or make any other change for which the Director	3528
requires a licensing inspection.	3529
Home health licensure	3530
R.C. 3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07,	3531
3740.10, 3740.11, and 3740.99; conforming changes in other	3532
sections	3533
Restores House-added provisions that require home health	3534
agencies and non-agency providers of direct care to be licensed by	3535
the Department of Health to provide skilled home health services	3536
and nonmedical home health services, and makes the following	3537
changes:	3538
--Excludes the following from home health licensure under the	3539
bill:	3540
--Providers certified by the Department of Developmental	3541
Disabilities, such as providers of supported living (under the	3542
House version, supported living providers had to be licensed, but	3543
could use their certification as a basis for the home health	3544
licensure);	3545
--Persons who provide direct care to not more than two	3546
individuals who are not related to the care provider;	3547
--Volunteers;	3548
--Residential facilities, which are homes and facilities	3549

where individuals with a developmental disabilities reside; 3550

--Informal respite care providers and shared living 3551
 providers; 3552

--Persons certified under current law to provide publicly 3553
 funded child care as in-home aides; 3554

--Persons who provide privately funded child care; 3555

--Legal guardians, grandchildren, step-parents, 3556
 step-children, and step-siblings providing care (under the House 3557
 version, step-relatives, grandchildren, and legal guardians were 3558
 not included in the definition of immediate family members, which 3559
 are excluded from the bill's licensure requirements); 3560

--Requires, rather than permits, the Director of Health to 3561
 waive receipt of certain application materials for license 3562
 applicants that are certified by the Department of Aging to 3563
 provide community-based long-term care services; 3564

--Removes the Director of Health's ability to adopt rules 3565
 specifying the extent to which certification by the Department of 3566
 Aging to provide community-based long-term care services satisfies 3567
 home health licensure requirements (rather, the amendment states 3568
 that certification by the Department of Aging does satisfy the 3569
 home health licensure requirements); 3570

--Requires the Director of Health to adopt rules to establish 3571
 processes for dispute resolution and appeals; 3572

--Exempts nonmedical home health services applicants from a 3573
 site visit as part of the licensure process; 3574

--Specifically names certain additional services in the 3575
 definition of personal care services, including instrumental 3576
 activities of daily living, assistance managing the individual's 3577

home and personal affairs, homemaker services, respite services,
and errands. 3578
3579

_____ moved to amend as follows:

1 In line 80755, delete the first "\$6,532,753" and insert
2 "\$7,232,753"

3 In line 80761, add \$700,000 to fiscal year 2022

4 In line 80766, add \$700,000 to fiscal year 2022

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Ohio History Connection**

8 **Section 297.10**

9 Increases GRF appropriation item 360502, Site and Museum
10 Operations, by \$700,000 in fiscal year 2022.

_____ moved to amend as follows:

1 In line 148 of the title, after "4731.90," insert
2 "4743.10,"

3 In line 321, after "4731.90," insert "4743.10,"

4 After line 51565, insert:

5 "Sec. 4743.10. (A) As used in this section:

6 (1) "Health care service" means medical care provided to
7 any patient at any time over the entire course of the patient's
8 treatment and may include one or more of the following: testing;
9 diagnosis; referral; dispensing or administering a drug,
10 medication, or device; psychological therapy or counseling;
11 research; prognosis; therapy; record making procedures and notes
12 related to treatment; preparation for or performance of a
13 surgery or procedure; or any other care or services performed or
14 provided by any medical practitioner.

15 (2) "Medical practitioner" means any person who facilitates
16 or participates in the provision of health care services,
17 including nursing, physician services, counseling and social
18 work, psychological and psychiatric services, research services,
19 surgical services, laboratory services, and the provision of

20 pharmaceuticals and may include any of the following: any
21 student or faculty at a medical, nursing, mental health, or
22 counseling institution of higher education or an allied health
23 professional, paraprofessional, or employee or contractor of a
24 health care institution.

25 (3) "Participation in a health care service" means to
26 provide, perform, assist with, facilitate, refer for, counsel
27 for, advise with regard to, admit for the purposes of providing,
28 or take part in any way in providing, any health care service.

29 (B) Notwithstanding any conflicting provision of the
30 Revised Code, a medical practitioner, health care institution,
31 or health care payer has the freedom to decline to perform,
32 participate in, or pay for any health care service which
33 violates the practitioner's, institution's, or payer's
34 conscience as informed by the moral, ethical, or religious
35 beliefs or principles held by the practitioner, institution, or
36 payer. Exercise of the right of conscience is limited to
37 conscience-based objections to a particular health care service.

38 (C) Whenever a situation arises in which a requested course
39 of treatment includes a particular health care service that
40 conflicts with the moral, ethical, or religious beliefs or
41 convictions of a medical practitioner, the medical practitioner
42 shall be excused from participating in the particular health
43 care service to which the practitioner has a conflict.

44 When a medical practitioner becomes aware of the conflict,
45 the medical practitioner shall notify the practitioner's
46 supervisor, if applicable, and request to be excused from
47 participating in the particular health care service that
48 conflicts with the practitioner's beliefs or convictions.

49 When possible and when the medical practitioner is willing,
50 the medical practitioner shall seek to transfer the patient to a
51 colleague who will provide the requested health care service.

52 If participation in a transfer of care for a particular
53 health care service violates the medical practitioner's beliefs
54 or convictions or no willing colleague is identified, the
55 patient shall be notified and provided the opportunity to seek
56 an alternate medical practitioner. Upon patient request, the
57 patient's medical records shall be promptly released to the
58 patient.

59 The medical practitioner is responsible for providing all
60 appropriate health care services, other than the particular
61 health care service that conflicts with the medical
62 practitioner's beliefs or convictions, until another medical
63 practitioner or facility is available.

64 (D) A medical practitioner, health care institution, or
65 health care payer shall not be civilly, criminally, or
66 administratively liable for exercising the practitioner's,

67 institution's, or payer's right of conscience by declining to
68 participate in or pay for a particular health care service.

69 A health care institution shall not be civilly, criminally,
70 or administratively liable for the exercise of conscience rights
71 not to participate in a particular health care service by a
72 medical practitioner who is employed by, under contract with, or
73 granted admitting privileges by the health care institution.

74 A medical practitioner, health care institution, or health
75 care payer shall not be discriminated against or suffer any
76 other adverse action as a result of declining to participate in
77 or pay for a particular health care service on the basis of
78 conscience.

79 (E) Unless specifically prohibited by law, a medical
80 practitioner shall not be discriminated against or suffer any
81 adverse action for disclosing any information that the medical
82 practitioner reasonably believes evinces any violation of this
83 section or any other law, rule, or regulation; any violation of
84 any standard of care or other ethical guidelines for the
85 provision of any health care service; or gross mismanagement, a
86 gross waste of funds, an abuse of authority, or a substantial
87 and specific danger to public health or safety.

88 (F) A civil action for damages, injunctive relief, or any
89 other appropriate relief may be brought by any medical

90 practitioner, health care institution, or health care payer for
91 any violation of any provision of this section.

92 Upon a finding of a violation of the rights of conscience
93 in this section, a court shall award threefold the actual
94 damages sustained and reasonable costs and attorney's fees. A
95 court considering such civil action may also award injunctive
96 relief, which may include reinstatement of a medical
97 practitioner to the practitioner's previous position,
98 reinstatement of board certification, and relicensure of a
99 health care institution or health care payer.

100 (G) This section shall not be construed to override the
101 requirement to provide emergency medical treatment to all
102 patients as set forth in 42 U.S.C. § 1395dd."

103 The motion was _____ agreed to.

104 SYNOPSIS

105 **Medical practitioner conscience clause**

106 **R.C. 4743.10**

107 Recognizes the authority of a medical practitioner, health
108 care institution, or health care payer to decline to perform,
109 participate in, or pay for any health care service that violates
110 the practitioner's, institution's, or payer's conscience as
111 informed by the moral, ethical, or religious beliefs or
112 principles held by the practitioner, institution, or payer.

113 Requires a medical practitioner, when the practitioner
114 becomes aware of a health care service's conflict with or

SC3909

115 violation of the practitioner's beliefs or principles, to notify
116 the practitioner's supervisor (if applicable), request to be
117 excused from the service, and, if willing, seek a colleague to
118 perform the service.

119 Requires a patient, in the event a medical practitioner
120 does not participate in a transfer of care or a colleague is
121 unwilling to perform the service, to be notified and provided an
122 opportunity to find an alternative medical practitioner and upon
123 request, receive the patient's medical records.

124 Specifies that a medical practitioner, health care
125 institution, or health care payer is not subject to civil,
126 criminal, or administrative liability for declining to
127 participate in or pay for a health care service.

128 Authorizes a medical practitioner, health care institution,
129 or health care payer to bring a civil action in the event of a
130 violation of the bill's provisions and, if the practitioner,
131 institution, or payer prevails, provides for treble damages,
132 injunctive relief, costs, and attorney's fees.

Sub. H.B. 110
L-134-0001-5
SOSCD14

_____ moved to amend as follows:

In line 15 of the title, delete "149.08," and insert "149.11,"

In line 154 of the title, after "131.50," insert "149.08,"

In line 223, delete "149.08," and insert "149.11,"

Delete lines 8796 through 8801 and insert:

"**Sec. 149.11.** (A) Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes in print whether through a contract awarded to any person, company, or the state printing division of the department of administrative services, shall cause to be delivered to the state library fifty copies of the publication, subject to the provisions of section 125.42 of the Revised Code.

(B) The state library board shall distribute the print publications so received as follows:

(1) Retain two copies in the state library;

(2) Send two copies to the document division of the library

of congress;

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(3) Send one copy to the Ohio history connection and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries that can best preserve those publications and that are so located geographically as will make the publications conveniently accessible to residents in all areas of the state.

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(4) Send one copy to each state in exchange for like publications of that state.

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(C) A department, division, bureau, board, or commission of the state government shall notify the state library of the availability of documents or other publications, intended for general public use and distribution, which are made available electronically on its internet web site. The state library shall retain electronic publications in the state library digital archive and provide permanent access and records to each public or college library in the state designated by the state library board to be a depository for state publications.

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(D) The print publications described in division (A) of this section and the electronic publications described in division (C) of this section shall be considered already prepared and available for inspection, and, subject to applicable copyright protections, reproduction by any person at all reasonable times during regular business hours at the state library and each library designated as a depository for state publications.

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(E) The provisions of this section do not apply to any publication of the general assembly or to the publications described in sections 149.07, ~~149.08~~, 149.091, and 149.17 of the

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Revised Code, except that the secretary of state shall forward to 49
the document division of the library of congress two copies of all 50
journals, two copies of the session laws as provided for in 51
section 149.091 of the Revised Code, and two copies of all 52
appropriation laws in separate form." 53

In line 70837, delete "149.08," and insert "149.11," 54

In line 70917, after "131.50," insert "149.08," 55

The motion was _____ agreed to.

SYNOPSIS

Secretary of State 56

R.C. 149.08 (repealed); R.C. 149.11 (conforming) 57

Removes from the bill a provision that modifies the law with 58
respect to the Secretary of State's requirement, after receiving 59
an engrossed bill, to send each new law to each clerk of court. 60
Instead, repeals existing law thereby eliminating the requirement 61
that the Secretary provide clerks with a copy of each law. 62

_____ moved to amend as follows:

1 In line 75158, delete "\$2,525,000" and insert "\$5,000,000"

2 In line 75161, add \$2,475,000 to fiscal year 2022

3 In line 75199, add \$2,475,000 to fiscal year 2022

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Attorney General**

7 **Section 221.10**

8 Increases GRF appropriation item 055504, Domestic Violence
9 Programs, by \$2,475,000 in FY 2022, from \$2,525,000 to
10 \$5,000,000.

_____ moved to amend as follows:

1 In line 30109, strike through ". The department of
2 education shall pay the"

3 Strike through lines 30110 and 30111

4 In line 30112, strike through "younger than four years of
5 age. However," and insert "but"

6 In line 30113, strike through "any other"

7 In line 31524, delete "80.92" and insert "80.94"

8 In line 31529, delete "X" and insert "±"; delete "80.92"
9 and insert "80.94"

10 In line 32419, delete "\$5,550" and insert "\$5,500"

11 In line 32433, delete "\$5,550" and insert "\$5,500"

12 In line 33339, strike through "net"

13 In line 33340, strike through "As used in this division, a
14 district's "net"; delete "enrolled"

15 In line 33341, strike through "ADM" means its"; delete
16 "enrolled"; strike through "ADM minus the number of"

17 In line 33348, strike through "scholarship students
18 certified under divisions"

SC3913X3

19 In line 33349, delete "(B) (3) (d)"; strike through "and";
20 delete "(h) of section 3317.03 of the"

21 In line 33350, delete "Revised Code"; strike through the
22 period

23 In line 33362, strike through "net"; strike through ", as
24 that"

25 Strike through line 33363

26 In line 78086, delete "catastrophic cost"; after
27 "threshold" insert "cost"

28 In line 78194, after "with" insert "divisions (B) (2) and
29 (D) (2) of"

30 In line 78195, after "data" insert "used for calculating
31 the district's state share index"

32 In line 78198, after "reporting" insert "that"; delete "for
33 fiscal year"

34 In line 78199, delete "2019"

35 In line 78206, after "data" insert "used for calculating
36 those payments"

37 In line 78208, after "reporting" insert "that"

38 In line 78209, delete "for fiscal year 2019"

39 In line 78562, delete "2019" and insert "2018"

40 In line 78711, after "data" insert "used for calculating
41 those payments"

SC3913X3

42 In line 78714, after "reporting" insert "that"; delete "for
43 fiscal year"

44 In line 78715, delete "2019"

45 In line 78739, delete "Section 7" and insert "the section";
46 after "act" insert "entitled "FUNDING FOR JOINT VOCATIONAL
47 SCHOOL DISTRICTS""

48 In line 78874, after "data" insert "used for calculating
49 these payments"

50 The motion was _____ agreed to.

51 SYNOPSIS

52 **School financing - conforming changes**

53 **R.C. 3314.06, 3317.011, 3317.022, and 3317.0217; Sections**
54 **265.215, 265.220, and 265.223, 265.225, and 265.229**

55 Restores a provision of the House-passed version of the
56 bill that eliminates the requirement that the Department of
57 Education pay the formula amount (currently \$6,020) for each
58 student under age four admitted to a Montessori preschool
59 operated by a community school and, instead, prohibits such a
60 school from receiving state community school funds for students
61 under age five.

62 Corrects two cross references to the state share multiplier
63 of 80.94% in the base cost per pupil calculation proposed by the
64 substitute bill.

65 Corrects the calculation of the per-pupil classroom teacher
66 compensation component proposed by the substitute bill.

67 Specifies that the maximum scholarship amount for students
68 enrolled in grades K-8 for the Educational Choice Scholarship
69 Program and Cleveland Scholarship Program is \$5,500 (rather than
70 \$5,550 as under the substitute bill).

SC3913X3

71 Specifies that a city, local, or exempted village school
72 district's "enrolled ADM" (rather than its "net enrolled ADM" as
73 defined in the bill) must be used to calculate the district's
74 aggregate amount of targeted assistance funds, in order to
75 conform this provision with the substitute bill's proposed
76 student counting mechanism.

77 Replaces a reference to the "special education catastrophic
78 cost threshold" with a reference to the "special education
79 threshold cost" to conform with the substitute bill's
80 provisions.

81 Clarifies that, for purposes of the bill's temporary
82 payment mechanism for city, local, and exempted village school
83 districts, the Department of Education shall recalculate a
84 district's state share index in accordance with the bill's
85 changes to the state share index in permanent law for FY 2022
86 and each fiscal year thereafter.

87 Changes a reference to the deductions from a school
88 district's funding for scholarships awarded under the Cleveland
89 Scholarship Program that is used in determining a district's
90 "limitation base" (for purposes of the bill's cap calculations)
91 to deductions for FY 2018 (rather than deductions for FY 2019)
92 to conform with the substitute bill's provisions.

93 Makes clarifying changes regarding the data that the
94 Department of Education must use to recalculate a city, local,
95 or exempted village school district's "recalculated state share
96 index for FY 2019," "recalculated foundation funding for FY
97 2019," and "recalculated transportation funding for FY 2019" and
98 the data that the Department must use to recalculate a joint
99 vocational school district's "recalculated foundation funding
100 for FY 2019."

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 22 of the title, after "715.72," insert "723.52," 1

In line 111 of the title, after "5502.30," insert "5543.19,
5575.01," 2
3

In line 228, after "715.72," insert "723.52," 4

In line 294, after "5502.30," insert "5543.19, 5575.01," 5

After line 13812, insert: 6

"**Sec. 723.52.** Before letting or making any contract for the 7
construction, reconstruction, widening, resurfacing, or repair of 8
a street or other public way, the director of public service in a 9
city, or the legislative authority in a village, shall make an 10
estimate of the cost of such work using the force account project 11
assessment form developed by the auditor of state under section 12
117.16 of the Revised Code. In municipal corporations having an 13
engineer, or an officer having a different title but the duties 14
and functions of an engineer, the estimate shall be made by the 15
engineer or other officer. Where the total estimated cost of any 16
such work is ~~thirtynine~~ thousand dollars or less, the proper 17
officers may proceed by force account. 18

Where the total estimated cost of any such work exceeds 19
~~thirtynine~~ thousand dollars, the proper officers of the 20

municipal corporation shall be required to invite and receive 21
 competitive bids for furnishing all the labor, materials, and 22
 equipment and doing the work, after newspaper advertisement as 23
 provided by law. The officers shall consider and may reject such 24
 bids. If the bids are rejected, the officers may order the work 25
 done by force account or direct labor. When such bids are 26
 received, considered, and rejected, and the work done by force 27
 account or direct labor, such work shall be performed in 28
 compliance with the plans and specifications upon which the bids 29
 were based. It shall be unlawful to divide a street or connecting 30
 streets into separate sections for the purpose of defeating this 31
 section and section 723.53 of the Revised Code. 32

On the first day of July of every odd-numbered year beginning 33
 in 2021, the threshold amount established in this section shall 34
 increase by an amount not to exceed the lesser of three per cent, 35
 or the percentage amount of any increase in the department of 36
 transportation's construction cost index as annualized and totaled 37
 for the prior two calendar years. The director of transportation 38
 shall notify each appropriate engineer or other officer of the 39
 increased amount. 40

"Street," as used in such sections, includes portions of 41
 connecting streets on which the same or similar construction, 42
 reconstruction, widening, resurfacing, or repair is planned or 43
 projected." 44

After line 61479, insert: 45

"**Sec. 5543.19.** (A) The county engineer may, when authorized 46
 by the board of county commissioners and not required by this 47
 section or other law to use competitive bidding, employ such 48
 laborers and vehicles, use such county employees and property, 49
 lease such implements and tools, and purchase such materials as 50

are necessary in the construction, reconstruction, improvement, 51
 maintenance, or repair of roads by force account. 52

In determining whether construction or reconstruction, 53
 including widening and resurfacing, of roads may be undertaken by 54
 force account, the county engineer shall first cause to be made an 55
 estimate of the cost of such work using the force account project 56
 assessment form developed by the auditor of state under section 57
 117.16 of the Revised Code. When the total estimated cost of the 58
 work exceeds ~~thirty~~ninety thousand dollars per mile, the county 59
 commissioners shall invite and receive competitive bids for 60
 furnishing all the labor, materials, and equipment necessary to 61
 complete the work in accordance with sections 307.86 to 307.92 of 62
 the Revised Code. 63

(B) The county engineer may, when authorized by the board of 64
 county commissioners and not required by this section or other law 65
 to use competitive bidding, employ such laborers and vehicles, use 66
 such county employees and property, lease such implements and 67
 tools, and purchase such materials as are necessary in the 68
 construction, reconstruction, improvement, maintenance, or repair 69
 of bridges and culverts by force account. 70

In determining whether such construction, reconstruction, 71
 improvement, maintenance, or repair of bridges or culverts may be 72
 undertaken by force account, the county engineer shall first cause 73
 to be made an estimate of the cost of such work using the force 74
 account project assessment form. When the total estimated cost of 75
 the work exceeds ~~one~~two hundred twenty-five thousand dollars, the 76
 board of county commissioners shall invite and receive competitive 77
 bids for furnishing all the labor, materials, and equipment 78
 necessary to complete the work, in accordance with sections 307.86 79
 to 307.92 of the Revised Code. The county engineer shall obtain 80

the approval required by section 5543.02 of the Revised Code. 81

(C) On the first day of July of every odd-numbered year 82
beginning in 2021, the threshold amounts established in this 83
section shall increase by an amount not to exceed the lesser of 84
three per cent, or the percentage amount of any increase in the 85
department of transportation's construction cost index as 86
annualized and totaled for the prior two calendar years. The 87
director of transportation shall notify each appropriate county 88
engineer of the increased amount. 89

(D) "Force account," as used in this section means that the 90
county engineer will act as contractor, using labor employed by 91
the engineer using material and equipment either owned by the 92
county or leased or purchased in compliance with sections 307.86 93
to 307.92 of the Revised Code and excludes subcontracting any part 94
of such work unless done pursuant to sections 307.86 to 307.92 of 95
the Revised Code. 96

The term "competitive bids" as used in this section requires 97
competition for the whole contract and in regard to its component 98
parts, including labor and materials. Neither plans nor 99
specifications shall be drawn to favor any manufacturer or bidder 100
unless required by the public interest. 101

Sec. 5575.01. (A) In the maintenance and repair of roads, the 102
board of township trustees may proceed either by contract or force 103
account, but, unless the exemption specified in division (C) of 104
this section applies, if the board wishes to proceed by force 105
account, it first shall cause the county engineer to complete the 106
force account assessment form developed by the auditor of state 107
under section 117.16 of the Revised Code. Except as otherwise 108
provided in sections 505.08 and 505.101 of the Revised Code, when 109
the board proceeds by contract, the contract shall, if the amount 110

involved exceeds ~~forty-five~~ninety thousand dollars, be let by the 111
board to the lowest responsible bidder after advertisement for 112
bids once, not later than two weeks, prior to the date fixed for 113
the letting of the contract, in a newspaper of general circulation 114
within the township. If the amount involved is ~~forty-five~~ninety 115
thousand dollars or less, a contract may be let without 116
competitive bidding, or the work may be done by force account. 117
Such a contract shall be performed under the supervision of a 118
member of the board or the township road superintendent. 119

(B) Before undertaking the construction or reconstruction of 120
a township road, the board shall cause to be made by the county 121
engineer an estimate of the cost of the work, which estimate shall 122
include labor, material, freight, fuel, hauling, use of machinery 123
and equipment, and all other items of cost. If the board finds it 124
in the best interest of the public, it may, in lieu of 125
constructing the road by contract, proceed to construct the road 126
by force account. Except as otherwise provided under sections 127
505.08 and 505.101 of the Revised Code, where the total estimated 128
cost of the work exceeds ~~fifteen~~forty-five thousand dollars per 129
mile, the board shall invite and receive competitive bids for 130
furnishing all the labor, materials, and equipment and doing the 131
work, as provided in section 5575.02 of the Revised Code, and 132
shall consider and reject them before ordering the work done by 133
force account. When such bids are received, considered, and 134
rejected, and the work is done by force account, the work shall be 135
performed in compliance with the plans and specifications upon 136
which the bids were based. 137

(C) Force account assessment forms are not required under 138
division (A) of this section for road maintenance or repair 139
projects of less than ~~fifteen~~thirty thousand dollars, or under 140

division (B) of this section for road construction or 141
 reconstruction projects of less than ~~five~~fifteen thousand dollars 142
 per mile. 143

(D) On the first day of July of every odd-numbered year 144
 beginning in 2021, the threshold amounts established in divisions 145
 (A) and (B) of this section shall increase by an amount not to 146
 exceed the lesser of three per cent, or the percentage amount of 147
 any increase in the department of transportation's construction 148
 cost index as annualized and totaled for the prior two calendar 149
 years. The director of transportation shall notify each 150
 appropriate county engineer of the increased amount. 151

(E) All force account work under this section shall be done 152
 under the direction of a member of the board or the township road 153
 superintendent." 154

In line 70842, after "715.72," insert "723.52," 155

In line 670908, after "5502.30," insert "5543.19, 5575.01," 156

The motion was _____ agreed to.

SYNOPSIS

Force accounts for local governments 157

R.C. 723.52, 5543.19, and 5575.01 158

Increases the force account limits for highway projects 159
 undertaken by an unchartered municipal corporation from \$30,000 160
 per project to \$90,000 per project. 161

Increases the force account limits for highway and bridge 162
 projects undertaken by a county engineer in the following ways: 163

1. For roads, raises the limit from \$30,000 per mile of construction or reconstruction to \$90,000 per mile of construction or reconstruction;	164
	165
	166
2. For bridges or culverts, raises the limit from \$100,000 to \$225,000 for construction, reconstruction, improvement, maintenance, or repair.	167
	168
	169
Increases the force account limits for road projects undertaken by a board of township trustees in the following ways:	170
	171
1. For maintenance and repair, raises the limit from \$45,000 per project to \$90,000 per project;	172
	173
2. For construction and reconstruction, raises the limit from \$15,000 per mile to \$45,000 per mile.	174
	175
Increases the threshold for a required force account assessment form for township road projects as follows:	176
	177
1. For a maintenance or repair project, from \$15,000 to \$30,000; and	178
	179
2. For a construction or reconstruction project, from \$5,000 to \$15,000 per mile.	180
	181

_____ moved to amend as follows:

1 In line 86718, delete "\$166,336,645 \$168,744,852" and
2 insert "\$166,636,645 \$169,044,852"

3 In line 86723, add \$300,000 to each fiscal year

4 In line 86741, add \$300,000 to each fiscal year

5 After line 86750, insert:

6 "CLEVELAND RAPE CRISIS CENTER

7 Of the foregoing appropriation item 470401, RECLAIM Ohio,
8 \$300,000 in each fiscal year shall be distributed to the
9 Cleveland Rape Crisis Center to provide services for at-risk
10 youth through the Cleveland Rape Crisis Center Human Trafficking
11 Drop-in Center."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Youth Services**

15 **Section 421.10**

16 Increases GRF appropriation item 470401, RECLAIM Ohio, by
17 \$300,000 in each fiscal year, from \$166,336,645 to \$166,636,645
18 in FY 2022, and from \$168,744,852 to \$169,044,852 in FY 2023.

SC3932X1

19 Earmarks \$300,000 in each fiscal year to be distributed
20 from GRF appropriation item 470401, RECLAIM Ohio, to the
21 Cleveland Rape Crisis Center to provide services for at-risk
22 youth through the Cleveland Rape Crisis Center Human Trafficking
23 Drop-in Center.

_____ moved to amend as follows:

1 In line 17251, strike through ""Existing" and insert "(1)
2 Except as provided in division (J)(2) of this section,
3 "existing""

4 After line 17268, insert:

5 "(2) Regarding a special improvement district to implement
6 a shoreline improvement project, "existing qualified nonprofit
7 corporation" has the same meaning as in division (J)(1) of this
8 section, except that the nonprofit does not need to have an
9 established police department and does not need to be organized
10 for purposes that include the acquisition of real property."

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Existing qualified nonprofit corporation's implementation**
14 **of a shoreline improvement project**

15 **R.C. 1710.01**

16 Specifies that an existing qualified nonprofit corporation
17 may create a special improvement district to implement a
18 shoreline improvement project even if the corporation (1) does
19 not have an established police department and (2) is not
20 organized for purposes that include the acquisition of real
21 property.

_____ moved to amend as follows:

- 1 In line 84529, delete "\$1,194,000 \$1,194,000" and insert
- 2 "\$1,000,000 \$1,000,000"
- 3 In line 84533, subtract \$194,000 from each fiscal year
- 4 In line 84546, subtract \$194,000 from each fiscal year
- 5 In line 85774, delete "(A) (1) Of the" and insert "(A) The"
- 6 In line 85775, delete "\$1,000,000 in each fiscal year"
- 7 In line 85794, delete "(2)" and insert "(B)"
- 8 In line 85796, delete "(a)" and insert "(1)"
- 9 In line 85799, delete "(b)" and insert "(2)"
- 10 In line 85804, delete "(c)" and insert "(3)"
- 11 In line 85808, delete "(d)" and insert "(4)"
- 12 In line 85813, delete "(e)" and insert "(5)"
- 13 In line 85822, delete "(3)" and insert "(C)"
- 14 In line 85827, delete "(4)" and insert "(D)"
- 15 Delete lines 85833 through 85836
- 16 In line 87207, delete "\$2,388,000" and insert "\$2,000,000"

17 The motion was _____ agreed to.

18

SYNOPSIS

19

Department of Higher Education

20

Sections 381.10, 381.450, and 512.160

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Decreases DPF Fund 5RA0 appropriation item 235616, Workforce and Higher Education Programs, by \$194,000 in each fiscal year and eliminates an earmark of the same amount for the Seeds of Literacy organization in Cleveland.

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Decreases, from \$2,388,000 to \$2,000,000, the amount of cash that the OBM Director is required to transfer on July 1, 2021, or as soon as possible thereafter, from the GRF to the Workforce and Higher Education Programs Fund (Fund 5RA0).

_____ moved to amend as follows:

1 In line 82836, delete "\$86,964,846 \$86,964,846" and
2 insert "\$87,164,846 \$87,164,846"

3 In line 82847, add \$200,000 to each fiscal year

4 In line 82878, add \$200,000 to each fiscal year

5 After line 83044, insert:

6 "(Q) Of the foregoing appropriation item 336421, Continuum
7 of Care Services, \$100,000 in each fiscal year shall be used to
8 provide loan repayment and forgiveness, scholarships, and other
9 forms of tuition assistance for pediatric behavioral health
10 providers practicing in pediatric inpatient and outpatient
11 settings, including Ohio's children's hospitals, and other
12 community behavioral health care settings.

13 (R) Of the foregoing appropriation item 336421, Continuum
14 of Care Services, \$100,000 in each fiscal year shall be used to
15 fund fellowships for the pediatric behavioral health workforce
16 program established in Section 337.XXX of this act."

17 After line 83558, insert:

18 "**Section 337. __.** The Department of Mental Health and
19 Addiction Services shall establish a program for the purpose of

20 attracting, training, supporting, and retaining individuals
21 involved in the behavioral health workforce to improve access
22 for pediatric patients to evidence-based prevention and
23 inpatient and outpatient services, including at Ohio's
24 children's hospitals."

25 The motion was _____ agreed to.

26 SYNOPSIS

27 **Pediatric behavioral health workforce support**

28 **Section 337.____**

29 Requires the Department of Mental Health and Addiction
30 Services to establish a program to attract, train, support, and
31 retain individuals involved in the behavioral health workforce
32 to improve access for pediatric patients to evidence-based
33 prevention and inpatient and outpatient services.

34 **Department of Mental Health and Addiction Services**

35 **Sections 337.10 and 337.40**

36 Increases GRF appropriation item 336421, Continuum of Care
37 Services, by \$200,000 in each fiscal year and earmarks these
38 funds as follows: (1) \$100,000 in each fiscal year to provide
39 loan repayment and forgiveness, scholarships and other forms of
40 tuition assistance for pediatric behavioral health providers
41 practicing in pediatric inpatient and outpatient settings,
42 including Ohio's children's hospitals, and other community
43 behavioral health care settings; and (2) \$100,000 in each fiscal
44 year to fund fellowships for the pediatric behavioral health
45 workforce.

_____ moved to amend as follows:

1 After line 81220, insert:

2 "Of the foregoing appropriation item 600689, TANF Block
3 Grant, \$200,000 in each fiscal year shall be provided, in
4 accordance with sections 5101.80 and 5101.801 of the Revised
5 Code, to the YWCA of Greater Cleveland's Early Learning Center
6 to support the trauma informed preschool for homeless, low
7 income, and at-risk preschool children."

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Job and Family Services**

11 **Section 307.80**

12 Restores a House-added provision that earmarks \$200,000 in
13 each fiscal year from FED Fund 3V60 appropriation item 600689,
14 TANF Block Grant, for the YWCA of Greater Cleveland's Early
15 Learning Center.

_____ moved to amend as follows:

1 After line 81258, insert:

2 **"Section 307.81.** KINSHIP CAREGIVER PROGRAM

3 Of the foregoing appropriation item 600689, TANF Block
4 Grant, \$10,000,000 in each fiscal year shall be used, in
5 accordance with sections 5101.80 and 5101.801 of the Revised
6 Code, to support kinship care. The Director of Job and Family
7 Services shall allocate funds to county departments of job and
8 family services by providing twelve per cent divided equally
9 among all counties, forty-eight per cent in the ratio that the
10 number of residents of the county under the age of eighteen
11 bears to the total number of such persons residing in this
12 state, and forty per cent in the ratio that the number of
13 residents of the county with incomes under one hundred per cent
14 of the federal poverty guideline bears to the total number of
15 such persons in this state. Each public children services agency
16 shall use these funds to provide reasonable and necessary relief
17 of child caring functions so that kinship caregivers, as defined
18 in section 5101.85 of the Revised Code, can provide and maintain
19 a home for a child in place of a child's parents. When the

20 public children services agency is designated under division (A)
21 of section 5153.02 of the Revised Code, the county department of
22 job and family services shall enter into a memorandum of
23 understanding with the public children services agency
24 authorizing the expenditure of funds for this purpose up to the
25 amount of the allocation.

26 Each county department of job and family services shall
27 incorporate the kinship caregiver support program into its
28 prevention, retention, and contingency plan. The program shall
29 include a family stabilization service and a caregiving service.
30 For the purpose of the stabilization service, each child living
31 with a kinship caregiver shall constitute a prevention,
32 retention, and contingency assistance group of one.
33 Stabilization services shall be designed to transition the child
34 into and maintain the child in the home of the kinship
35 caregiver. For the purpose of the caregiving service, each
36 assistance group shall include at least a child living with a
37 kinship caregiver and the kinship caregiver.

38 The Department of Job and Family Services may adopt rules
39 in accordance with Chapter 119. of the Revised Code as necessary
40 to carry out the purposes of this section.

41 If funding is no longer available, the kinship caregiver
42 support program in this section shall end and any county
43 department of job and family services or public children

44 services agency shall not be held responsible for payment of
45 services."

46 The motion was _____ agreed to.

47 SYNOPSIS

48 **Department of Job and Family Services**

49 **Section 307.81**

50 Restores House-added provisions that do the following:

51 --Earmarks \$10,000,000 in each fiscal year from FED Fund
52 3V60 appropriation item 600689, TANF Block Grant, for a kinship
53 caregiver program.

54 --Requires funds to be allocated via formula and requires
55 public children services agencies (PCSAs) to use funds to
56 provide reasonable and necessary relief of child caring
57 functions so kinship caregivers can provide and maintain a home
58 for a child. Specifies that when the PCSA is designated, the
59 county department of job and family services (CDJFS) must enter
60 into a memorandum of understanding with the PCSA authorizing the
61 expenditure.

62 --Requires CDJFSs to incorporate the program into its
63 prevention, retention, and contingency (PRC) plan. Requires the
64 program to include a family stabilization service and a
65 caregiving service. Specifies that for the purpose of this
66 service, each child living with a kinship caregiver must
67 constitute a PRC assistance group of one and that to qualify,
68 the child must be 18 or younger.

69 --Specifies that the program will end if funding is no
70 longer available and that PCSAs and CDJFSs will not be held
71 responsible for payments in such an event.

_____ moved to amend as follows:

1 In line 84231, delete everything before "public"

2 In line 84232, delete the comma

3 The motion was _____ agreed to.

4 SYNOPSIS

5 **Department of Public Safety**

6 **Section 373.30**

7 Removes the requirement that DPF Fund 5RS0 appropriation
8 item 768621, Community Police Relations, be used to implement a
9 database on use of force and officer involved shootings.

_____ moved to amend as follows:

- 1 In line 89272, delete "excess"
- 2 In line 89280, delete "otherwise"

3 The motion was _____ agreed to.

4 SYNOPSIS

5 **Municipal income tax temporary COVID-19 withholding rule**

6 **Section 757.40**

7 Makes a clarifying change to a provision added to the
8 pending bill that amends the temporary municipal income tax
9 withholding rule for employees affected by COVID-19.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 41 of the title, after "3302.20," insert " 3302.41,"

In line 139 of the title, after "3302.103," insert "3302.42,"

In line 242, after "3302.20," insert "3302.41,"

In line 315, after "3302.103," insert "3302.42,"

In line 22702, after "blended" insert ", online,"

In line 22724, after "time" insert "primarily"

In line 22727, strike through "Coherence" and insert "Online learning means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method."

(3) "Coherence"

In line 22729, strike through "(3)" and insert "(4)"

In line 22732, strike through "(4)" and insert "(5)"

In line 22734, strike through "(5)" and insert "(6)"

After line 24502, insert:

"**Sec. 3302.41.** As used in this section, "blended learning" has the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational

school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may operate all or part of a school using a blended learning model. If a school is operated using a blended learning model or is to cease operating using a blended learning model, the superintendent of the school or district or director of the school shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school, community school, or STEM school is already operated using a blended learning model on ~~the effective date of this section~~ September 24, 2012, the superintendent of the school or district may notify the department within ninety days after ~~the effective date of this section~~ September 24, 2012, of that fact and request that the school be classified as a blended learning school.

(B) The state board of education shall revise any operating standards for school districts and chartered nonpublic schools adopted under section 3301.07 of the Revised Code to include standards for the operation of blended learning under this section. The blended learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in blended learning classrooms;

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools;

(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of

knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

~~(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that the school have an annual instructional calendar of not less than nine hundred ten hours;~~

(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

Sec. 3302.42. As used in this section, "online learning" has

the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational school district, with approval of the superintendent of public instruction, may operate a school using an online learning model. If a school is operated using an online learning model or is to cease operating using an online learning model, the superintendent of the district shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school is currently operated using an online learning model on the effective date of this section, the superintendent of the district shall notify the department within sixty days after the effective date of this section of that fact and request that the school be classified as an online learning school.

(1) Districts shall assign all students engaged in online learning to a single school which the department shall designate as a district online school.

(2) Districts shall provide all students engaged in online learning a computer, at no cost, for instructional use. Districts shall provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use.

(3) Districts shall provide all students engaged in online learning access to the internet, at no cost, for instructional use.

(4) Districts that operate an online learning school shall provide a comprehensive orientation for students and their parents or guardians prior to enrollment or within thirty days for students enrolled as of the effective date of this section.

(5) Online learning schools operated by a district shall implement a learning management system that tracks the time students participate in online learning activities. All student learning activities completed while off-line shall be documented with all participation records checked and approved by the teacher of record.

(B) The state board of education shall revise any operating standards for school districts adopted under section 3301.07 of the Revised Code to include standards for the operation of online learning under this section. The online learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in online learning classrooms;

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

(3) Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that schools operating using an online learning model have an annual instructional calendar of not less than nine hundred ten hours.

(a) For funding purposes, the department shall reduce the full-time equivalence proportionally for any student in an online learning school who participates in less than nine hundred ten hours per school year. The department shall reduce state funding for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

(4) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) This section does not affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code."

In line 70856, after "3302.20," insert "3302.41,"

The motion was _____ agreed to.

SYNOPSIS

Online learning

R.C. 3302.42

Permits school districts, with the approval of the Superintendent of Public Instruction, to operate a school using an online learning model.

Requires a school that is operating using an online learning model or is to cease operating using an online learning model to notify the Department of Education of that fact not later than July 1 of the school year for which the change is effective. Specifies that if a school is currently operated using an online learning model on the effective date of the amendment, the superintendent of the district must notify the Department of this fact within 60 days.

Requires districts to do all of the following if operating a school using an online learning model:

(1) Assign all students engaged in online learning to a single school which the Department will designate as a district online school;

(2) Provide all students engaged in online learning a computer, at no cost, for instructional use. Districts are also required to provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use;

(3) Provide all students engaged in online learning access to the internet, at no cost, for instructional use;

(4) Provide a comprehensive orientation for students and their parent or guardian prior to enrollment or within 30 days for students enrolled as of the effective date of this amendment; and

(5) Implement a learning management system that tracks the time students participate in online learning activities. Specifies

that all student learning activities completed while off-line must be documented with all participation records checked and approved by the teacher of record.

Requires the State Board of Education to revise operating standards for school districts to include standards for the operation of online learning models to provide for all of the following:

(1) Student-to-teacher ratios of not greater than one teacher for every 125 students in online learning classrooms;

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Prohibits credits or grade level advancement to be based on a minimum number of days or hours in a classroom;

(3) Require online schools operated by a school district to have an annual calendar of not less than 910 hours;

(4) Require the Department to review and adjust state funding payments to districts based upon student participation in online learning; and

(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment; the proper organization, administration, and supervision of each school; admission of pupils; requirements for graduation; and such other factors as the Board finds necessary.

Blended learning - school year hour requirement

R.C. 3302.41

Requires that districts and schools using a blended learning model operate an annual calendar of not less than 910 hours. (Under current law, schools operating on a blended learning model are exempt from minimum school year and school day requirements otherwise prescribed under continuing law.)

Definitions - blended and online learning

R.C. 3301.079

Amends the definition of "blended learning" as the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning. (Current law does not specify "primarily" in the definition.)

Defines "online learning" as a model in which students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

Information on academic standards and model curricula

R.C. 3301.079

Requires the Department to include information on the use of online learning (in addition to blended and digital learning as under current law) for the delivery of standards or curricula to students, whenever the State Board adopts standards or model curricula.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 57 of the title, after "3317.051," insert "3317.06," 1

In line 254, after "3317.051," insert "3317.06," 2

After line 34428, insert: 3

"**Sec. 3317.06.** Moneys paid to school districts under division 4
(E)(1) of section 3317.024 of the Revised Code shall be used for 5
the following independent and fully severable purposes: 6

(A) To purchase such secular textbooks or digital texts as 7
have been approved by the superintendent of public instruction for 8
use in public schools in the state and to loan such textbooks or 9
digital texts to pupils attending nonpublic schools within the 10
district described in division (E)(1) of section 3317.024 of the 11
Revised Code or to their parents and to hire clerical personnel to 12
administer such lending program. Such loans shall be based upon 13
individual requests submitted by such nonpublic school pupils or 14
parents. Such requests shall be submitted to the school district 15
in which the nonpublic school is located. Such individual requests 16
for the loan of textbooks or digital texts shall, for 17
administrative convenience, be submitted by the nonpublic school 18
pupil or the pupil's parent to the nonpublic school, which shall 19
prepare and submit collective summaries of the individual requests 20

to the school district. As used in this section:

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(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

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(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

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(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

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(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

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(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

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(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public

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school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with

disabilities as defined in section 3323.01 of the Revised Code or 80
 gifted children. Such programs shall be provided in the public 81
 school, in nonpublic schools, in public centers, or in mobile 82
 units located on or off of the nonpublic premises. If such 83
 programs are provided in the public school or in public centers, 84
 transportation to and from such facilities shall be provided by 85
 the school district in which the nonpublic school is located. 86

(J) To hire clerical personnel to assist in the 87
 administration of programs pursuant to divisions (B), (C), (D), 88
 (E), (F), (G), and (I) of this section and to hire supervisory 89
 personnel to supervise the providing of services and textbooks 90
 pursuant to this section. 91

(K) To purchase or lease any secular, neutral, and 92
 nonideological computer application software designed to assist 93
 students in performing a single task or multiple related tasks, 94
 device management software, learning management software, 95
 site-licensing, digital video on demand (DVD), wide area 96
 connectivity and related technology as it relates to internet 97
 access, mathematics or science equipment and materials, 98
 instructional materials, and school library materials that are in 99
 general use in the public schools of the state and loan such items 100
 to pupils attending nonpublic schools within the district 101
 described in division (E)(1) of section 3317.024 of the Revised 102
 Code or to their parents, and to hire clerical personnel to 103
 administer the lending program. Only such items that are incapable 104
 of diversion to religious use and that are susceptible of loan to 105
 individual pupils and are furnished for the use of individual 106
 pupils shall be purchased and loaned under this division. As used 107
 in this section, "instructional materials" means prepared learning 108
 materials that are secular, neutral, and nonideological in 109
 character and are of benefit to the instruction of school 110

children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device. 111
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Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned. 114
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(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and to loan such items to pupils attending such nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. "Computer hardware and related equipment" includes desktop computers and workstations; laptop computers, computer tablets, and other mobile handheld devices; their operating systems and accessories; and any equipment designed to make accessible the environment of a classroom to a student, who is physically unable to attend classroom activities due to hospitalization or other circumstances, by allowing real-time interaction with other students both one-on-one and in group discussion. 119
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(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units. 135
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(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. 139
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Reimbursements under this division shall be made one time only for 141
 each chartered nonpublic school described in division (E)(1) of 142
 section 3317.024 of the Revised Code that closes. 143

(O) To purchase life-saving medical or other emergency 144
 equipment for placement in nonpublic schools within the district 145
 described in division (E)(1) of section 3317.024 of the Revised 146
 Code or to maintain such equipment. 147

(P) To procure and pay for security services from a county 148
 sheriff or a township or municipal police force or from a person 149
 certified through the Ohio peace officer training commission, in 150
 accordance with section 109.78 of the Revised Code, as a special 151
 police, security guard, or as a privately employed person serving 152
 in a police capacity for nonpublic schools in the district 153
 described in division (E)(1) of section 3317.024 of the Revised 154
 Code. 155

(Q) To provide language and academic support services and 156
 other accommodations for English learners attending nonpublic 157
 schools within the district described in division (E)(1) of 158
 section 3317.024 of the Revised Code. 159

Clerical and supervisory personnel hired pursuant to division 160
 (J) of this section shall perform their services in the public 161
 schools, in nonpublic schools, public centers, or mobile units 162
 where the services are provided to the nonpublic school pupil, 163
 except that such personnel may accompany pupils to and from the 164
 service sites when necessary to ensure the safety of the children 165
 receiving the services. 166

All services provided pursuant to this section may be 167
 provided under contract with educational service centers, the 168
 department of health, city or general health districts, or private 169
 agencies whose personnel are properly licensed by an appropriate 170

state board or agency. 171

Transportation of pupils provided pursuant to divisions (E), 172
(F), (G), and (I) of this section shall be provided by the school 173
district from its general funds and not from moneys paid to it 174
under division (E)(1) of section 3317.024 of the Revised Code 175
unless a special transportation request is submitted by the parent 176
of the child receiving service pursuant to such divisions. If such 177
an application is presented to the school district, it may pay for 178
the transportation from moneys paid to it under division (E)(1) of 179
section 3317.024 of the Revised Code. 180

No school district shall provide health or remedial services 181
to nonpublic school pupils as authorized by this section unless 182
such services are available to pupils attending the public schools 183
within the district. 184

Materials, equipment, computer hardware or software, 185
textbooks, digital texts, and health and remedial services 186
provided for the benefit of nonpublic school pupils pursuant to 187
this section and the admission of pupils to such nonpublic schools 188
shall be provided without distinction as to race, creed, color, or 189
national origin of such pupils or of their teachers. 190

No school district shall provide services, materials, or 191
equipment that contain religious content for use in religious 192
courses, devotional exercises, religious training, or any other 193
religious activity. 194

As used in this section, "parent" includes a person standing 195
in loco parentis to a child. 196

Notwithstanding section 3317.01 of the Revised Code, payments 197
shall be made under this section to any city, local, or exempted 198
village school district within which is located one or more 199

nonpublic elementary or high schools described in division (E)(1) 200
of section 3317.024 of the Revised Code and any payments made to 201
school districts under division (E)(1) of section 3317.024 of the 202
Revised Code for purposes of this section may be disbursed without 203
submission to and approval of the controlling board. 204

The allocation of payments for materials, equipment, 205
textbooks, digital texts, health services, and remedial services 206
to city, local, and exempted village school districts shall be on 207
the basis of the state board of education's estimated annual 208
average daily membership in nonpublic elementary and high schools 209
located in the district described in division (E)(1) of section 210
3317.024 of the Revised Code. 211

Payments made to city, local, and exempted village school 212
districts under this section shall be equal to specific 213
appropriations made for the purpose. All interest earned by a 214
school district on such payments shall be used by the district for 215
the same purposes and in the same manner as the payments may be 216
used. 217

The department of education shall adopt guidelines and 218
procedures under which such programs and services shall be 219
provided, under which districts shall be reimbursed for 220
administrative costs incurred in providing such programs and 221
services, and under which any unexpended balance of the amounts 222
appropriated by the general assembly to implement this section may 223
be transferred to the auxiliary services ~~personnel-unemployment~~ 224
~~compensation reimbursement~~ fund established pursuant to in section 225
~~4141.47~~ 3317.064 of the Revised Code. The department shall also 226
adopt guidelines and procedures limiting the purchase and loan of 227
the items described in division (K) of this section to items that 228
are in general use in the public schools of the state, that are 229

incapable of diversion to religious use, and that are susceptible 230
to individual use rather than classroom use. Within ~~thirty~~ ninety 231
days after the end of each biennium, each board of education shall 232
remit to the department all moneys paid to it under division 233
(E)(1) of section 3317.024 of the Revised Code and any interest 234
earned on those moneys that are not required to pay expenses 235
incurred under this section during the biennium for which the 236
money was appropriated and during which the interest was earned. 237
The department may deposit any money returned following the end of 238
each biennium into the auxiliary services reimbursement fund 239
established in section 3317.064 of the Revised Code. If a board of 240
education subsequently determines that the remittal of moneys 241
leaves the board with insufficient money to pay all valid expenses 242
incurred under this section during the biennium for which the 243
remitted money was appropriated, the board may apply to the 244
department ~~of education~~ for a refund of money, not to exceed the 245
amount of the insufficiency. If the department determines the 246
expenses were lawfully incurred and would have been lawful 247
expenditures of the refunded money, ~~it shall certify its~~ 248
~~determination and the amount of the refund to be made to the~~ 249
~~director of job and family services who~~ the department shall make 250
a refund ~~as provided in section 4141.47~~ from the auxiliary 251
services reimbursement fund established in section 3317.064 of the 252
Revised Code. 253

Each school district shall label materials, equipment, 254
computer hardware or software, textbooks, and digital texts 255
purchased or leased for loan to a nonpublic school under this 256
section, acknowledging that they were purchased or leased with 257
state funds under this section. However, a district need not label 258
materials, equipment, computer hardware or software, textbooks, or 259
digital texts that the district determines are consumable in 260

nature or have a value of less than two hundred dollars." 261

In line 34494, strike through "thirty" and insert "ninety" 262

In line 34500, after the period insert "The department may deposit any money returned following the end of each biennium into the auxiliary services reimbursement fund established in section 3317.064 of the Revised Code." 263
264
265
266

In line 34508, before the period insert "from the auxiliary services reimbursement fund established in section 3317.064 of the Revised Code" 267
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269

In line 34581, strike through "By the" 270

Strike through lines 34582 through 34591 271

After line 77711, insert: 272

"**Section 265**____. The Department of Education may deposit into 273
the Auxiliary Services Reimbursement Fund, established in section 274
3317.064 of the Revised Code, any funds returned under sections 275
3317.06 and 3317.062 of the Revised Code for the biennium ending 276
June 30, 2021." 277

The motion was _____ agreed to.

SYNOPSIS

Auxiliary Services Reimbursement Fund 278

R.C. 3317.06, 3317.062, and 3317.064; Section 265.____ 279

Permits the Department of Education to deposit into the 280
Auxiliary Services Reimbursement Fund any unexpended Auxiliary 281
Services balances appropriated by the General Assembly, rather 282
than into the Auxiliary Services Personnel Unemployment 283

Compensation Fund as under current law.	284
Permits the Department to deposit any returned Auxiliary Services funds into the Auxiliary Services Reimbursement Fund.	285
Requires a district or school to remit to the Department any Auxiliary Services funds or interest on them that are not required to cover expenses within 90 days after the end of a biennium for which the funds were appropriated, rather than 30 days after the end of a biennium as under current law.	286
Requires the Department, if the remittal of funds leaves a district or school with insufficient funds to cover lawful expenses, to make a refund from the Auxiliary Services Reimbursement Fund, rather than the Auxiliary Services Personnel Unemployment Compensation Fund as under current law.	287
Eliminates a requirement that, by January 30 of each odd-numbered year, the Director of Job and Family Services and the Superintendent of Public Instruction must determine an amount of excess funds in the Auxiliary Services Personnel Unemployment Compensation Fund and certify that amount to the Director of Management and Budget for transfer to the Auxiliary Services Reimbursement Fund.	288
Permits the Department to deposit any Auxiliary Services funds returned for the current biennium into the Auxiliary Services Reimbursement Fund.	289
(Does not affect the Auxiliary Services Personnel Unemployment Compensation Fund established under continuing law (see R.C. 4141.47, not in the amendment).)	290
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_____ moved to amend as follows:

After line 88600, insert:

1

"Section 701._____. (A) The database of individuals registered, and personal information of registered individuals contained within the database, for the Vax-A-Million campaign is confidential and is not a public record as defined under section 149.43 of the Revised Code.

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3
4
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6

(B) As used in this section:

7

"Personal information" includes the name, electronic mail address, telephone number, street address, and vaccine location information of individuals who registered for the Vax-A-Million campaign, and includes the name, electronic mail address, and telephone number of a parent or guardian.

8
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12

"Vax-A-Million campaign" means the campaign held in 2021 consisting of a series of statewide drawings to provide prizes to individuals who receive a COVID-19 vaccination."

13
14
15

In line 89437, after "Sections" insert "701.____,"; after "701.60" insert a comma

16
17

The motion was _____ agreed to.

SYNOPSIS

Vax-A-Million database not a public record	18
Section 701._____ and 812.23	19
Specifies the information in the Vax-A-Million database is confidential and not public record.	20 21
The provision takes immediate effect when the bill becomes law.	22 23

_____ moved to amend as follows:

1 In line 143 of the title, after "3317.162," insert
2 "3318.51,"

3 In line 317, after "3317.162," insert "3318.51,"

4 After line 35119, insert:

5 "Sec. 3318.51. (A) Notwithstanding anything in this section
6 to the contrary, the Ohio facilities construction commission
7 shall not establish or operate the community school credit
8 enhancement program prescribed under this section until the
9 general assembly enacts subsequent legislation authorizing the
10 establishment and operation of the program.

11 However, the commission shall conduct a study regarding the
12 feasibility of establishing and operating the program in
13 accordance with divisions (B) to (J) of this section. Not later
14 than July 1, 2022, the commission, in accordance with section
15 101.68 of the Revised Code, shall submit to general assembly,
16 including the president of the senate, the minority leader of
17 the senate, the speaker of the house of representatives, and the
18 minority leader of the house of representatives, a report
19 regarding the findings and recommendations of the commission's

20 study. The report shall include a recommendation regarding the
21 financial obligations, costs, or guarantees the state would make
22 under the program.

23 As used in this section, "classroom facilities" means
24 buildings, land, grounds, equipment, and furnishings used by a
25 community school in furtherance of its mission and contract
26 entered into by the school's governing authority under Chapter
27 3314. of the Revised Code.

28 (B) Subject to division (A) of this section, the commission
29 shall establish the community school credit enhancement program
30 to assist community schools established under Chapter 3314. of
31 the Revised Code in obtaining more favorable financing by
32 guaranteeing the payment of principal and interest on loans,
33 bonds, or other financing issued by or on behalf of community
34 schools. Under the program, the commission may guarantee one
35 hundred per cent of the sum of the principal and interest on the
36 financing made to the governing authority of a community school
37 for the sole purpose of assisting the governing authority in
38 acquiring, improving, or replacing classroom facilities for the
39 community school by lease, purchase, remodeling of existing
40 facilities, or any other means including new construction.

41 (C) To be considered for guaranteed financing under this
42 section, a community school shall submit an application to the

43 commission, in a form and manner prescribed by the commission,
44 that contains at least all of the following:

45 (1) Evidence that the community school is in good standing
46 with its sponsor;

47 (2) Evidence that the community school is creditworthy,
48 with substantial weight given to academic outcomes as evidenced
49 by whether the school is designated as a community school of
50 quality under the quality community school support program
51 established under Section 265.335 of H.B. 110 of the 134th
52 general assembly, if applicable;

53 (3) Evidence that the classroom facilities that have been
54 acquired, improved, or replaced under the financing meet
55 applicable health and safety standards established by law for
56 school buildings or those facilities that will be acquired,
57 improved, or replaced under the financing will meet such
58 standards.

59 (D) The commission shall meet regularly to evaluate
60 applications under this section and shall either approve or
61 disapprove each application submitted. The commission shall not
62 approve an application if doing so would cause the total
63 financing approved under this section to exceed two hundred
64 million dollars, except that, if the total financing approved
65 under this section exceeds ninety per cent of that amount in a
66 school year, in the following school year, and for subsequent

67 school years, the commission shall not approve an application if
68 it would cause total financing approved under this section to
69 exceed three hundred million dollars.

70 (E) The commission shall report to each community school
71 that submits an application under this section whether the
72 application was approved or disapproved not later than ten
73 business days after the commission approves or disapproves the
74 application.

75 (F) Each community school approved to participate in the
76 program established under this section shall pay an annual
77 program participation fee equal to up to one-quarter of one per
78 cent of the amount of outstanding principal of the community
79 school's guaranteed financing under this section in any year, as
80 determined by the commission, for as long as that financing is
81 outstanding. Program participation fees shall be paid to the
82 treasurer of state on behalf of the program and deposited in the
83 fund established under division (J) of this section.

84 (G) The commission may prescribe the terms and conditions
85 in approving guaranteed financing under this section in a
86 written agreement entered into by the commission and the
87 community school.

88 (H) (1) Bonds guaranteed by the commission under this
89 section for a community school shall not be an indebtedness of

90 the state or the commission, but are instead special obligations
91 payable solely from the following:

92 (a) The revenues or other funds pledged by the community
93 school;

94 (b) Amounts appropriated by the general assembly for the
95 purposes of this section.

96 (2) One or more debt service reserve funds shall be
97 established for a community school with respect to bonds issued
98 pursuant to the program established under this section.

99 (3) (a) Except as provided for in division (H) (3) (b) of this
100 section, money in a debt service reserve fund may not be
101 withdrawn from that fund if the amount withdrawn would reduce
102 the level of money in the fund to less than a debt service
103 reserve fund requirement.

104 (b) As long as the applicable bonds guaranteed under the
105 program established under this section remain outstanding, money
106 in a debt service reserve fund may be withdrawn in an amount
107 that would reduce the level of money in the fund to less than
108 the debt service reserve fund requirement if the money is
109 withdrawn for either of the following purposes:

110 (i) Paying the principal of, redemption price of, or
111 interest on a bond when due and if no other money of the
112 community school is available to make the payment, as determined
113 by the commission;

114 (ii) Paying any redemption premium required to be paid when
115 the bonds are redeemed prior to maturity if no bonds will remain
116 outstanding upon payment from the money in the community
117 school's debt service reserve fund.

118 (4) Money in a community school's debt service reserve fund
119 that exceeds the debt service reserve fund requirement may be
120 withdrawn by the community school.

121 (5)(a) The commission shall annually, on or before the
122 first day of December, certify to the governor the amount, if
123 any, required to restore amounts on deposit in the debt service
124 reserve funds of community schools to their respective debt
125 service reserve fund requirements.

126 (b) The governor shall request from the general assembly an
127 appropriation of the certified amount to restore amounts on
128 deposit in the debt service reserve funds of community schools
129 to their respective service reserve fund requirements.

130 (c) The general assembly may appropriate money to the
131 commission to restore amounts on deposit in the debt service
132 reserve funds of community schools to their respective debt
133 service reserve fund requirements.

134 (d) A community school that receives money from an
135 appropriation to restore amounts on deposit in a debt service
136 reserve fund to the debt service reserve fund requirement shall

137 repay the state in a time and manner determined by the
138 commission.

139 (6) (a) The state may not alter, impair, or limit the rights
140 of bondholders or persons contracting with a community school
141 until the bonds, including interest and other contractual
142 obligations, are fully met and discharged.

143 (b) Nothing in this section precludes an alteration,
144 impairment, or limitation if provision is made by law for the
145 protection of bondholders or persons entering into contracts
146 with a community school.

147 (7) The commission may require a community school to vest
148 in the commission the right to enforce any covenant made to
149 secure bond issued under the program established under this
150 section by making appropriate provisions in the indenture
151 related to the community school's bonds.

152 (8) The commission may require a community school to make
153 covenants and agreements in indentures or in a reimbursement
154 agreement to protect the interests of the state and to secure
155 repayments to the state of any moneys received by the community
156 school from an appropriation to restore amounts deposited in the
157 community school's debt service reserve fund to the debt service
158 reserve fund requirement.

159 (I) The commission shall adopt rules that prescribe
160 financing standards and procedures consistent with this section

161 that are designed to protect the state's interest in any
162 financing guaranteed by this section and to ensure that the
163 state has a reasonable chance of recovering any payments made by
164 the state in the event of a default on any such financing.

165 (J) There is hereby established the community school
166 classroom facility guaranteed financing fund. The fund shall
167 consist of moneys deposited by community schools under this
168 section, or any other funds appropriated by the general
169 assembly, federal grants, and private donations. Investment
170 earnings on moneys in the fund shall be credited to the fund."

171 The motion was _____ agreed to.

172 SYNOPSIS

173 **Community School Credit Enhancement Program**

174 **R.C. 3318.51**

175 Prescribes the Community School Credit Enhancement Program,
176 but prohibits the Ohio Facilities Construction Commission (OFCC)
177 from establishing or operating it until the General Assembly
178 enacts subsequent legislation authorizing OFCC to do so.

179 Requires OFCC, by July 1, 2022, to conduct a study
180 regarding the feasibility of establishing and operating the
181 Credit Enhancement Program and submit a report to the General
182 Assembly, including the Senate President, Senate Minority
183 Leader, House Speaker, and House Minority leader, regarding
184 OFCC's findings and recommendations, including a recommendation
185 regarding the financial obligations, costs, or guarantees the
186 state would make under the program.

187 Specifies the following provisions for the Credit
188 Enhancement Program:

189 (1) Permit OFCC to guarantee up to 100% of the principal
190 and interest on the financing made to a community school for the
191 sole purpose of assisting the school in acquiring, improving, or
192 replacing classroom facilities for the school by lease,
193 purchase, remodeling of existing facilities, or any other means
194 including new construction.

195 (2) Require a community school to submit an application to
196 OFCC that contains evidence that:

197 (a) The school is in good standing with its sponsor;

198 (b) Exhibits the school is creditworthy, with substantial
199 weight given to whether the school is designated a Community
200 School of Quality under the Quality Community School Support
201 Program; and

202 (c) The classroom facilities that have been or will be
203 acquired, improved, or replaced under the financing meets
204 applicable health and safety standards.

205 (3) Require OFCC to evaluate applications, approve or
206 disapprove each submitted application, and, within 10 business
207 days of making a decision, report that decision to the community
208 school.

209 (4) Prohibit OFCC from approving an application if doing so
210 would cause the total financing approved under the Program to
211 exceed \$200 million, except that, if the total approved
212 financing exceeds 90% of that amount in a school year, the limit
213 must be increased to \$300 million for subsequent school years.

214 (5) Require each community school participating in the
215 program to pay to the Treasurer of State a fee of up to 0.25% of
216 the outstanding principal of the school's guaranteed financing
217 in any year for as long as that financing is outstanding.

218 (6) Require the Treasurer to deposit fees into the
219 Community School Classroom Facility Guaranteed Financing Fund,
220 which consists of moneys deposited by community schools, other
221 funds appropriated by the General Assembly, federal grants, and
222 private donations.

223 (7) Permit OFCC to prescribe its terms and conditions in
224 approving guaranteed financing in a written agreement entered
225 into by OFCC and a community school.

226 (8) Specify that bonds guaranteed by OFCC under the Program
227 are not an indebtedness of the state or OFCC, but are instead
228 special obligations payable solely from:

229 (a) The revenues or other funds pledged by the community
230 school; or

231 (b) Amounts appropriated by the General Assembly for the
232 purposes of the Program.

233 (9) Require one or more debt service reserve funds to be
234 established for a community school regarding bonds issued
235 pursuant to the Program.

236 (10) Prohibit money in a debt service reserve fund from
237 being withdrawn if that amount would reduce the level of money
238 in the fund to less than a debt service reserve fund
239 requirement, unless the money is withdrawn with respect to
240 applicable outstanding bonds and is used to pay:

241 (a) The principal of, redemption price of, or interest on a
242 bond when it is due, if OFCC determines the community school has
243 no other money available to make the payment; or

244 (b) Any redemption premium required to be paid when bonds
245 are redeemed prior to maturity, provided no bonds will remain
246 outstanding upon payment of money from school's reserve fund.

247 (11) Permit the withdrawal of money from a community
248 school's debt service reserve fund if that money is in excess of
249 a debt service reserve fund requirement.

250 (12) Establish an annual procedure to determine whether the
251 General Assembly should appropriate funds to the debt service
252 reserve funds of community schools, as follows:

253 (a) Requires OFCC, by December 1 of each year, to certify
254 to the Governor the amount, if any, required to restore
255 community school reserve funds to their respective debt service
256 reserve fund requirements;

257 (b) Requires the Governor to request from the General
258 Assembly an appropriation of the certified amount; and

259 (c) Permits the General Assembly to appropriate the
260 certified amount to restore the reserve funds to their
261 respective debt service reserve fund requirements.

262 (13) Require a community school that receives appropriated
263 funds under the annual procedure to repay the state in a time
264 and manner determined by OFCC.

265 (14) Prohibit the state from altering, impairing, or
266 limiting the rights of bondholders or persons contracting with a
267 community school until the bonds, including interest and other
268 contractual obligations, are fully met and discharged.

269 (15) Specify the provision does not preclude an alteration,
270 impairment, or limitation if the law provides for the protection
271 of bondholders or persons entering into contracts with a
272 community school.

273 (16) Permit OFCC to require a community school to vest in
274 OFCC the right to enforce any covenant made to secure bonds
275 issued under the Program by making appropriate provisions in the
276 indenture related to the school's bonds.

277 (17) Permit OFCC to require a community school to make
278 covenants and agreements in indentures or in a reimbursement
279 agreement to protect the interests of the state and to secure
280 repayments to the state any moneys received by the school from
281 an appropriation to restore amounts deposited in a school's debt
282 service reserve fund.

283 (18) Requires OFCC to adopt rules that prescribe financing
284 standards and procedures that are designed to protect the
285 state's interest in any guaranteed financing.

_____ moved to amend as follows:

- 1 In line 112 of the title, delete "5703.94,"
- 2 In line 166 of the title, after "5741.032," insert "and"
- 3 In line 167 of the title, delete ", and 5751.42"
- 4 In line 294, delete "5703.94,"
- 5 Delete lines 61774 through 61901
- 6 In line 69344, reinsert "Qualifying integrated supply chain
- 7 receipts as"
- 8 Reinsert line 69345
- 9 In line 69346, reinsert "(kk)"
- 10 In line 69359, reinsert "(ll)"; delete "(kk)"
- 11 In line 69363, reinsert "(F) (2) (ll)"; delete "(F) (2) (kk)"
- 12 In line 69365, reinsert "(mm)"; delete "(ll)"
- 13 In line 69371, reinsert "(nn)"; delete "(mm)"
- 14 In line 69375, delete "(nn)" and insert "(oo)"
- 15 In line 70908, delete "5703.94,"
- 16 In line 70926, after "5741.032," insert "and"; delete ",
- 17 and 5751.42"
- 18 In line 89391, delete "(A)"
- 19 In line 89392, delete "(F) (2) (mm)" and insert "(F) (2) (nn)"

20 Delete lines 89395 through 89398

21 The motion was _____ agreed to.

22 SYNOPSIS

23 **Reinstate CAT exclusion for beauty product supply chain**
24 **receipts**

25 **R.C. 5751.01(F)(2)(jj), 5703.94, and 5751.42; Section 803.170**

26 Removes a provision of the pending substitute bill
27 (TAXCD67) that would have repealed the commercial activity tax
28 (CAT) exclusion for receipts from the sale of beauty, health,
29 personal care, or aromatic products (including candles) between
30 businesses within an "integrated supply chain." An "integrated
31 supply chain" is two or more businesses that do not share a
32 common owner and are located within a limited area in a county
33 with a 2010 population between 165,000 and 170,000 (i.e.,
34 Licking County) and a city with a 2010 population between 7,500
35 and 8,000 (i.e., New Albany).

_____ moved to amend as follows:

1 In line 131 of the title, after "5.246," insert "5.2527,"

2 In line 309, after "5.246," insert "5.2527,"

3 After line 331, insert:

4 "Sec. 5.2527. The fourth week of June is designated as
5 "Postpartum Cardiomyopathy Awareness Week" to increase public
6 awareness of postpartum cardiomyopathy, which is a form of heart
7 failure that can happen during the last month of pregnancy or up
8 to five months after giving birth."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Postpartum cardiomyopathy awareness**

12 **R.C. 5.2527**

13 Designates the fourth week of June as "Postpartum
14 Cardiomyopathy Awareness Week" to increase public awareness of
15 postpartum cardiomyopathy, which is a form of heart failure that
16 can happen during the last month of pregnancy or up to five
17 months after giving birth.

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_____ moved to amend as follows:

In line 9 of the title, after "122.82," insert "122.84," 1

In line 219, after "122.82," insert "122.84," 2

After line 5588, insert: 3

"**Sec. 122.84.** (A) As used in this section: 4

(1) "Ohio qualified opportunity fund" means a qualified 5
opportunity fund that holds one hundred per cent of its invested 6
assets in qualified opportunity zone property situated in an Ohio 7
opportunity zone. 8

In the case of qualified opportunity zone property that is 9
qualified opportunity zone stock or qualified opportunity zone 10
partnership interest, the stock or interest is situated in an Ohio 11
opportunity zone only if, during all of the qualified opportunity 12
fund's holding period for such stock or interest, all of the use 13
of the corporation's or partnership's tangible property was in an 14
Ohio opportunity zone. In the case of qualified opportunity zone 15
property that is qualified opportunity zone business property, the 16
property is situated in an Ohio opportunity zone only if, during 17
all of the fund's holding period for such property, all of the use 18
of the property was in an Ohio opportunity zone. 19

All terms used in division (A) of this section have the same 20

meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be
 substituted for "substantially all" wherever "substantially all"
 appears in the definition of those terms or in the definition of
 terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity
 zone designated in this state under 26 U.S.C. 1400Z-1 before, on,
 or after the effective date of the enactment of this section by
 H.B. 166 of the 133rd general assembly.

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

(4) "Qualifying taxable year" means a one of the following,
as applicable:

(a) For a taxpayer, the taxpayer's taxable year that includes
the first day of a calendar year during which an Ohio qualified
opportunity fund in which the taxpayer invests makes an investment
in a project located in an Ohio opportunity zone;

(b) For a person that is not a taxpayer but is subject to
federal income taxation, the person's federal taxable year that
includes the first day of a calendar year during which an Ohio
qualified opportunity fund in which the person invests makes an
investment in a project located in an Ohio opportunity zone;

(c) For any other person, the calendar year during which an
Ohio qualified opportunity fund in which the person invests makes
an investment in a project located in an Ohio opportunity zone.

(B) A ~~taxpayer~~ person that invests in one or more Ohio
 qualified opportunity funds may apply to the director of
 development ~~services~~ for a nonrefundable credit against the tax
 levied under section 5747.02 of the Revised Code. The application
 shall be made on forms prescribed by the director on or after the

first day of January and on or before the first day of February of 50
each year. The credit shall equal ten per cent of the amount of 51
the ~~taxpayer's~~ person's investment in the fund that the fund 52
invested during the preceding calendar year in projects located in 53
Ohio opportunity zones. 54

The ~~taxpayer~~ person shall include the following information 55
with the ~~taxpayer's~~ person's application: 56

(1) The amount of the ~~taxpayer's~~ person's investment in Ohio 57
qualified opportunity funds during the ~~taxpayer's~~ person's 58
qualifying taxable year, arranged according to the amount invested 59
in each such fund if the ~~taxpayer~~ person invested in more than one 60
such fund; 61

(2) A statement from an employee or officer of each Ohio 62
qualified opportunity fund identified by the ~~taxpayer~~ person under 63
division (B)(1) of this section certifying the amount of the 64
~~taxpayer's~~ person's investment in the fund and the amount of that 65
investment the fund invested in projects located in Ohio 66
opportunity zones during the preceding calendar year. The 67
statement shall describe each project funded by the investment and 68
state each project's location and the portion of the ~~taxpayer's~~ 69
person's investment invested in each such project. Unless the fund 70
demonstrates otherwise to the director's satisfaction, the amount 71
of a ~~taxpayer's~~ person's investment that the fund invested in a 72
project located in an Ohio opportunity zone equals the same 73
proportion of the amount of the fund's investment in the project 74
as the ~~taxpayer's~~ person's investment in the fund bears to the 75
total investment by all investors in that fund on the date the 76
fund makes the investment in the project. 77

The director shall review applications in the order in which 78
applications are received. 79

(C)(1) Subject to division (C)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue, within sixty days after the receipt of a complete application under division (B) of this section, a tax credit certificate to the ~~taxpayer~~ person identified with a unique number and listing the amount of credit the director determines ~~the taxpayer~~ is eligible to ~~claim~~ be claimed.

(2) The director shall not issue certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed fifty million dollars. The director shall not issue certificates to a single ~~applicant in an amount that would cause the tax credits claimed~~ person in any fiscal biennium ~~by that applicant, and any person to whom the applicant transfers the certificate under division (E) of this section, to exceed one in an amount that exceeds two million dollars.~~

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

(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that

section. 110

(D) A taxpayer claiming a credit under this section shall 111
submit a copy of the certificate with the taxpayer's return or 112
report. 113

(E) A ~~taxpayer~~ person that holds an unclaimed certificate 114
issued under this section may notify the tax commissioner, in 115
writing, that the ~~taxpayer~~ transferor is transferring the right to 116
claim the credit stated on the certificate. The ~~taxpayer~~ 117
transferor shall identify in that notification the certificate's 118
number and the name and the tax identification number of the 119
transferee. Pursuant to division (D) of this section, the 120
transferee may claim the credit stated on the certificate, subject 121
to the limitations of this section. A transferee may not transfer 122
the right to claim the credit amount to any other person. 123

(F) On or before the first day of August each year, the 124
director of development ~~services~~ shall submit a report to the 125
governor, the president and minority leader of the senate, and the 126
speaker and minority leader of the house of representatives on the 127
tax credit program authorized under this section. The report shall 128
include the following information: 129

(1) The number of projects funded by investments for which a 130
tax credit application was submitted under this section during the 131
preceding year, the Ohio opportunity zone in which each such 132
project is located, the number of projects funded by investments 133
for which certificates were allocated during the preceding year, a 134
description of each such project, and the composition of an Ohio 135
qualified opportunity fund's investments in each project funded by 136
investments for which a tax credit application was submitted under 137
this section; 138

(2) The number of ~~taxpayers~~ persons that invested in an Ohio 139

qualified opportunity fund and applied for a tax credit based on 140
 the fund's investment in a project during the preceding year, the 141
 name of the fund in which each such investment was made, the 142
 number of ~~taxpayers~~ persons allocated a credit for such 143
 investments under this section, and the dollar amount of those 144
 credits; 145

(3) A map that shows the location of each Ohio opportunity 146
 zone and that indicates which zones include existing or pending 147
 projects that are, or will be, funded by tax credit-eligible 148
 investments." 149

In line 70833, after "122.82," insert "122.84," 150

The motion was _____ agreed to.

SYNOPSIS

Ohio opportunity zone investment tax credit 151

R.C. 122.84 152

Makes the following changes to the existing income tax credit 153
 for investments in federally authorized Ohio opportunity zones: 154

--Increases, from \$1 million to \$2 million, the limit on the 155
 amount of credits that may be awarded to an individual during a 156
 fiscal biennium. 157

--Expands the eligibility to receive a credit allocation 158
 (i.e., tax credit certificate) to all investors in Ohio 159
 opportunity zones, not just investors subject to the personal 160
 income tax. (A nontaxpayer investor that cannot claim the credit 161
 may sell or transfer the credit to a taxpayer.) 162

Sub. H.B. 110
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_____ moved to amend as follows:

In line 9 of the title, after "122.82," insert "122.85," 1

In line 219, after "122.82," insert "122.85," 2

After line 5588, insert: 3

"**Sec. 122.85.** (A) As used in this section and in sections 4
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5

(1) "Tax credit-eligible production" means a motion picture 6
or Broadway theatrical production certified by the director of 7
development ~~services~~ under division (B) of this section as 8
qualifying the production company ~~and its production contractors~~ 9
for a tax credit under section 5726.55, 5733.59, 5747.66, or 10
5751.54 of the Revised Code. 11

(2) "Certificate owner" means a production company ~~or~~ 12
~~production contractor~~ to which a tax credit certificate is issued. 13

(3) "Production company" means an individual, corporation, 14
partnership, limited liability company, or other form of business 15
association that is registered with the secretary of state and 16
that is producing a motion picture or Broadway theatrical 17
production. 18

(4) "Eligible expenditures" means expenditures made after 19
June 30, 2009, for goods or services purchased and consumed in 20

this state by a production company directly for the production of
a tax credit-eligible production ~~or~~ for postproduction
activities, or for advertising and promotion of the production.

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

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

respect to sexually explicit content. 52

(6) "Broadway theatrical production" means a prebroadway 53
production, long run production, or tour launch that is directed, 54
managed, and performed by a professional cast and crew and that is 55
directly associated with New York city's broadway theater 56
district. 57

(7) "Prebroadway production" means a live stage production 58
that is scheduled for presentation in New York city's broadway 59
theater district after the original or adaptive version is 60
performed in a qualified production facility. 61

(8) "Long run production" means a live stage production that 62
is scheduled to be performed at a qualified production facility 63
for more than five weeks, with an average of at least six 64
performances per week. 65

(9) "Tour launch" means a live stage production for which the 66
activities comprising the technical period are conducted at a 67
qualified production facility before a tour of the original or 68
adaptive version of the production begins. 69

(10) "Qualified production facility" means a facility located 70
in this state that is used in the development or presentation to 71
the public of theater productions. 72

~~(11) "Production contractor" means an individual, 73
corporation, partnership, limited liability company, or other form 74
of business association that is registered with the secretary of 75
state and that, pursuant to a contract with a production company 76
producing a motion picture in this state, provides any of the 77
following services to the production company with respect to that 78
production: editing, postproduction, photography, lighting, 79
cinematography, sound design, catering, special effects, 80~~

~~production coordination, hair styling or makeup, art design, or
distribution.~~ 81
82

(B) For the purpose of encouraging and developing strong film 83
and theater industries in this state, the director of development 84
~~services~~ may certify a motion picture or Broadway theatrical 85
production produced by a production company as a tax 86
credit-eligible production. In the case of a television series, 87
the director may certify the production of each episode of the 88
series as a separate tax credit-eligible production. A production 89
company shall apply for certification of a motion picture or 90
Broadway theatrical production as a tax credit-eligible production 91
on a form and in the manner prescribed by the director. Each 92
application shall include the following information: 93

(1) The name and telephone number of the production company; 94

(2) The name and telephone number of the company's contact 95
person; 96

(3) A list of the first preproduction date through the last 97
production and postproduction dates in Ohio and, in the case of a 98
Broadway theatrical production, a list of each scheduled 99
performance in a qualified production facility; 100

(4) The Ohio production office or qualified production 101
facility address and telephone number; 102

(5) The total production budget; 103

(6) The total budgeted eligible expenditures and the 104
percentage that amount is of the total production budget of the 105
motion picture or Broadway theatrical production; 106

(7) In the case of a motion picture, the total percentage of 107
the production being shot in Ohio; 108

(8) The level of employment of cast and crew who reside in Ohio;	109 110
(9) A synopsis of the script;	111
(10) In the case of a motion picture, the shooting script;	112
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	113 114
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	115 116 117 118 119
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	120 121
(14) Estimated amount of state and local taxes to be generated in this state from the production;	122 123
(15) Estimated economic impact of the production in this state;	124 125
(16) Any other information considered necessary by the director.	126 127
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director of development services , the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified	128 129 130 131 132 133 134 135 136

as a tax credit-eligible production, the director shall rescind 137
the certification unless the director finds that the production 138
company shows good cause for the delay, meaning that the 139
production was delayed due to unforeseeable circumstances beyond 140
the production company's control or due to action or inaction by a 141
government agency. Upon rescission, the director shall notify the 142
applicant that the certification has been rescinded. Nothing in 143
this section prohibits an applicant whose tax credit-eligible 144
production certification has been rescinded from submitting a 145
subsequent application for certification. 146

(C)(1) A production company whose motion picture or Broadway 147
theatrical production has been certified as a tax credit-eligible 148
production may apply to the director of development ~~services~~ on or 149
after July 1, 2009, for a refundable credit against the tax 150
imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the 151
Revised Code. The director in consultation with the tax 152
commissioner shall prescribe the form and manner of the 153
application and the information or documentation required to be 154
submitted with the application. ~~The application shall state the~~ 155
~~name and address of each production contractor with which the~~ 156
~~production company contracted for services and the amount of~~ 157
~~eligible expenditures paid or incurred under the contract with~~ 158
~~respect to the production.~~ 159

The credit is determined as follows: 160

(a) If the total budgeted eligible expenditures stated in the 161
application submitted under division (B) of this section or the 162
actual eligible expenditures as finally determined under division 163
(D) of this section, whichever is least, is less than or equal to 164
three hundred thousand dollars, no credit is allowed; 165

(b) If the total budgeted eligible expenditures stated in the 166

application submitted under division (B) of this section or the
 actual eligible expenditures as finally determined under division
 (D) of this section, whichever is least, is greater than three
 hundred thousand dollars, the credit ~~for the production company~~
 equals thirty per cent of the least of such budgeted or actual
 eligible expenditure amounts ~~and the credit for each production~~
~~contractor equals thirty per cent of the amount of eligible~~
~~expenditures paid or incurred under the contract with respect to~~
~~the production.~~

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

(3) The amount of eligible expenditures for which a tax
 credit may be claimed is subject to inspection and examination by
 the tax commissioner or employees of the commissioner under
 section 5703.19 of the Revised Code and any other applicable law.
 Once the eligible expenditures are finally determined under

section 5703.19 of the Revised Code and division (D) of this 198
section, the credit amount is not subject to adjustment unless the 199
director determines an error was committed in the computation of 200
the credit amount. 201

(4) No tax credit certificate may be issued before the 202
completion of the tax credit-eligible production. Not more than 203
forty million dollars of tax credit may be allowed per fiscal year 204
provided that, for any fiscal year in which the amount of tax 205
credits allowed under this section is less than that maximum 206
annual amount, the amount not allowed for that fiscal year shall 207
be added to the maximum annual amount that may be allowed for the 208
following fiscal year. 209

(5) The director shall review and approve applications for 210
tax credits in two rounds each fiscal year. The first round of 211
credits shall be awarded not later than the last day of July of 212
the fiscal year, and the second round of credits shall be awarded 213
not later than the last day of the ensuing January. The amount of 214
credits awarded in the first round of applications each fiscal 215
year shall not exceed twenty million dollars plus any credit 216
allotment that was not awarded in the preceding fiscal year and 217
carried over under division (C)(4) of this section. For each 218
round, the director shall rank applications on the basis of the 219
extent of positive economic impact each tax credit-eligible 220
production is likely to have in this state and the effect on 221
developing a permanent workforce in motion picture or theatrical 222
production industries in the state. For the purpose of such 223
ranking, the director shall give priority to tax-credit eligible 224
productions that are television series or miniseries due to the 225
long-term commitment typically associated with such productions. 226
The economic impact ranking shall be based on the production 227
company's total expenditures in this state directly associated 228

with the tax credit-eligible production. The effect on developing 229
 a permanent workforce in the motion picture or theatrical 230
 production industries shall be evaluated first by the number of 231
 new jobs created and second by amount of payroll added with 232
 respect to employees in this state. 233

The director shall approve productions in the order of their 234
 ranking, from those with the greatest positive economic impact and 235
 workforce development effect to those with the least positive 236
 economic impact and workforce development effect. 237

(D) A production company whose motion picture or Broadway 238
 theatrical production has been certified as a tax credit-eligible 239
 production shall engage, at the company's expense, an independent 240
 certified public accountant to examine the company's production, 241
 postproduction, and advertising and promotion expenditures to 242
 identify the expenditures that qualify as eligible expenditures. 243
 The certified public accountant shall issue a report to the 244
 company and to the director of development ~~services~~ certifying the 245
 company's eligible expenditures and any other information required 246
 by the director. Upon receiving and examining the report, the 247
 director may disallow any expenditure the director determines is 248
 not an eligible expenditure. ~~If any expenditure disallowed under~~ 249
~~this division was included in the expenditure for a contract with~~ 250
~~a production contractor, the contractor's credit amount shall be~~ 251
~~reduced in proportion to such disallowed expenditure.~~ If the 252
 director disallows an expenditure, the director shall issue a 253
 written notice to the production company ~~or affected production~~ 254
~~contractor~~ stating that the expenditure is disallowed and the 255
 reason for the disallowance. Upon examination of the report and 256
 disallowance of any expenditures, the director shall determine 257
 finally the lesser of the total budgeted eligible expenditures 258
 stated in the application submitted under division (B) of this 259

section or the actual eligible expenditures for the purpose of 260
computing the amount of the credit. 261

(E) No credit shall be allowed under section 5726.55, 262
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 263
director has reviewed the report and made the determination 264
prescribed by division (D) of this section. 265

(F) This state reserves the right to refuse the use of this 266
state's name in the credits of any tax credit-eligible motion 267
picture production or program of any Broadway theatrical 268
production. 269

(G)(1) The director of development ~~services~~ in consultation 270
with the tax commissioner shall adopt rules for the administration 271
of this section, including rules setting forth and governing the 272
criteria for determining whether a motion picture or Broadway 273
theatrical production is a tax credit-eligible production; 274
activities that constitute the production or postproduction of a 275
motion picture or Broadway theatrical production; reporting 276
sufficient evidence of reviewable progress; expenditures that 277
qualify as eligible expenditures; a schedule and deadlines for 278
applications to be submitted and reviewed; a competitive process 279
for approving credits based on likely economic impact in this 280
state and development of a permanent workforce in motion picture 281
or theatrical production industries in this state; consideration 282
of geographic distribution of credits; and implementation of the 283
program described in division (H) of this section. The rules shall 284
be adopted under Chapter 119. of the Revised Code. 285

(2) To cover the administrative costs of the program, the 286
director shall require each applicant to pay an application fee 287
equal to the lesser of ten thousand dollars or one per cent of the 288
estimated value of the tax credit as stated in the application. 289

The fees collected shall be credited to the tax incentives 290
operating fund created in section 122.174 of the Revised Code. All 291
grants, gifts, fees, and contributions made to the director for 292
marketing and promotion of the motion picture industry within this 293
state shall also be credited to the fund. 294

(H) The director of development ~~services~~ shall establish a 295
program for the training of Ohio residents who are or wish to be 296
employed in the film or multimedia industry. Under the program, 297
the director shall: 298

(1) Certify individuals as film and multimedia trainees. In 299
order to receive such a certification, an individual must be an 300
Ohio resident, have participated in relevant on-the-job training 301
or have completed a relevant training course approved by the 302
director, and have met any other requirements established by the 303
director. 304

(2) Accept applications from production companies that intend 305
to hire and provide on-the-job training to one or more certified 306
film and multimedia trainees who will be employed in the company's 307
tax credit-eligible production. 308

(3) Upon completion of a tax-credit eligible production, and 309
upon the receipt of any salary information and other documentation 310
required by the director, authorize a reimbursement payment to 311
each production company whose application was approved under 312
division (H)(2) of this section. The payment shall equal fifty per 313
cent of the salaries paid to film and multimedia trainees employed 314
in the production." 315

In line 70833, after "122.82," insert "122.85," 316

The motion was _____ agreed to.

SYNOPSIS

Film and theater tax credit: production contractors	317
R.C. 122.85	318
Revokes the eligibility of "production contractors" (persons	319
other than the production company that are involved in the	320
production of a motion picture) for the film and theater tax	321
credit.	322

_____ moved to amend as follows:

1 In line 39775, delete "Not" and insert "Except as provided
2 in division (F) of this section, not"

3 In line 39792, after "in" insert "division (A) of"

4 In line 39794, delete "under division (A) of this section"

5 After line 39815, insert:

6 "(F) This section does not apply to a city with a
7 population less than fifty thousand whose city health district
8 meets either of the following conditions regarding accreditation
9 by an accreditation body approved by the director of health:

10 (1) The district has received accreditation and maintains
11 its accreditation.

12 (2) The district is in the process of applying for
13 accreditation on the effective date of this section, receives
14 accreditation not later than December 31, 2025, and maintains
15 its accreditation."

16 The motion was _____ agreed to.

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SYNOPSIS

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City health districts - accreditation

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R.C. 3709.012

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Maintains the House provisions requiring a city health district with a population of less than 50,000 to (1) study a merger with the general health district that includes the city and (2) contract with the general health district for the administration of city health affairs if the study indicates that the merger is advisable, but also exempts from the requirements a city health district that is either accredited or in the process of applying for accreditation and receives it by December 31, 2025.

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_____ moved to amend as follows:

In line 7 of the title, after "122.041," insert "122.09," 1

In line 217, after "122.041," insert "122.09," 2

After line 3737, insert: 3

"**Sec. 122.09.** (A) As used in this section: 4

(1) "Development costs" means expenditures paid or incurred 5
by the property owner in completing a certified transformational 6
mixed use development project, including architectural or 7
engineering fees paid or incurred in connection with the project 8
and expenses incurred before the date the project is certified by 9
the tax credit authority under division (C) of this section. In 10
the case of a certified transformational mixed use development 11
project that is part of a larger contiguous project that is 12
planned to be completed in phases, "development costs" include 13
only expenditures associated with the portion of the project that 14
is certified by the tax credit authority and do not include 15
expenditures incurred for other phases of the project. 16

(2) "Owner" means a person or persons holding a fee simple or 17
leasehold interest in real property, including interests in real 18
property acquired through a capital lease arrangement. "Owner" 19
does not include the state or a state agency, or any political 20

subdivision as defined in section 9.23 of the Revised Code. For
the purpose of this division, "fee simple interest," "leasehold
interest," and "capital lease" shall be construed in accordance
with generally accepted accounting principles.

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(3) "Transformational mixed use development" means a project
that consists of new construction or the redevelopment,
rehabilitation, expansion, or other improvement of vacant
buildings or structures, or a combination of the foregoing, and
that:

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(a) Will have a transformational economic impact on the
development site and the surrounding area;

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(b) Integrates some combination of retail, office,
residential, recreation, structured parking, and other similar
uses into one mixed use development; and

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(c) Satisfies one of the following criteria:

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(i) If the development site is located within ten miles of a
major city, the project includes at least one new or previously
vacant building that is fifteen or more stories in height or has a
floor area of at least three hundred fifty thousand square feet,
or after completion will be the site of employment accounting for
at least four million dollars in annual payroll, or includes two
or more buildings that are connected to each other, are located on
the same parcel or on contiguous parcels, and that collectively
have a floor area of at least three hundred fifty thousand square
feet;

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(ii) If the development site is not located within ten miles
of a major city, the project includes at least one new or
previously vacant building that is two or more stories in height
or has a floor area of at least seventy-five thousand square feet

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or two or more new buildings that are located on the same parcel 50
or on contiguous parcels and that collectively have a floor area 51
of at least seventy-five thousand square feet. 52

"Transformational mixed use development" may include a 53
portion of a larger contiguous project that is planned to be 54
completed in phases as long as the phases collectively meet the 55
criteria described in division (A)(3) of this section. 56

(4) "Increase in tax collections" means the difference, if 57
positive, of the amount of state and local taxes derived from 58
economic activity occurring within the development site and the 59
surrounding area during a period of time minus the amount of such 60
taxes that are estimated to be derived from such economic activity 61
in that site and surrounding area during the same period if the 62
transformational mixed use project were not completed. 63

(5) "Completion period" means the time period beginning on 64
the day after a transformational mixed use development is 65
certified by the tax credit authority and ending on the fifth 66
anniversary of the day the project is completed. 67

(6) "Insurance company" means a person subject to the tax 68
imposed under section 5725.18 or 5729.03 of the Revised Code. 69

(7) "Contribute capital" means to invest, loan, or donate 70
cash in exchange for an equity interest in an asset, a debt 71
instrument, or no consideration. 72

(8) "Major city" means a municipal corporation that has a 73
population greater than one hundred thousand. 74

(9) "Tax credit authority" means the tax credit authority 75
created under section 122.17 of the Revised Code. 76

(10) "Adjusted development costs" means the development costs 77
attributed to a complete transformational mixed use development 78

project minus the sum of the capital contributions of any 79
 insurance companies that are preliminarily approved for a tax 80
 credit in connection with the same project. 81

(11) A "property owner's share" of the increase in tax 82
 collections equals the product obtained by multiplying the total 83
 increase in tax collections since the date the transformational 84
 mixed use development project was certified by a fraction, the 85
 numerator of which is the adjusted development costs and the 86
 denominator of which is the actual development costs attributed to 87
 the project. 88

(12) An "insurance company's share" of the increase in tax 89
 collections equals the product obtained by multiplying the total 90
 increase in tax collections since the date the transformational 91
 mixed use development project was certified by a fraction, the 92
 numerator of which is the insurance company's capital contribution 93
 to the project and the denominator of which is the actual 94
 development costs attributed to the project. 95

(B) The owner of one or more parcels of land in this state 96
 within which a transformational mixed use development is planned 97
 or an insurance company that contributes capital to be used in the 98
 planning or construction of such a development may apply to the 99
 tax credit authority for certification of the development and 100
 preliminary approval of a tax credit. Each application shall be 101
 filed in the form and manner prescribed by the director of 102
 development ~~services~~ and shall, at minimum, include a development 103
 plan comprised of all of the following information: 104

(1) The location of the development site and an indication of 105
 whether it is located within ten miles of a major city; 106

(2) A detailed description of the proposed transformational 107
 mixed use development including site plans, construction drawings, 108

architectural renderings, or other means sufficient to convey the	109
appearance, size, purposes, capacity, and scope of the project	110
and, if applicable, previously completed and future phases of the	111
project;	112
(3) A viable financial plan that estimates the development	113
costs that have been or will be incurred in the completion of the	114
project and that designates a source of financing or a strategy	115
for obtaining financing;	116
(4) An estimated schedule for the progression and completion	117
of the project including, if applicable, previously completed and	118
future phases of the project;	119
(5) An assessment of the projected economic impact of the	120
project on the development site and the surrounding area;	121
(6) Evidence that the increase in tax collections during the	122
completion period will exceed ten per cent of the estimated	123
development costs reported under division (B)(3) of this section;	124
(7) If the applicant is an insurance company that is not the	125
property owner, the amount of the insurance company's capital	126
contribution to the development and the date on which it was or	127
will be made;	128
(8) Evidence that the project will not be completed unless	129
the applicant receives the credit.	130
(C)(1) In determining whether to certify a project that is	131
the subject of an application submitted under division (B) of this	132
section, the tax credit authority shall consider the potential	133
impact of the transformational mixed use development on the	134
development site and the surrounding area in terms of	135
architecture, accessibility to pedestrians, retail entertainment	136
and dining sales, job creation, property values, connectivity, and	137

revenue from sales, income, lodging, and property taxes. The tax credit authority shall not certify a project unless it satisfies the following conditions:

(a) The project qualifies as a transformational mixed use development and satisfies all other criteria prescribed by this section or by rule of the director of development ~~services~~;

(b) The estimated increase in tax collections during the completion period exceeds ten per cent of the estimated development costs for the project reported under division (B)(3) of this section;

(c) The project will not be completed unless the applicant receives the credit;

(d) If the development site is located within ten miles of a major city, the estimated development costs to complete the project plus, if applicable, the estimated expenditures that have been or will be incurred to complete all other contiguous phases of the project, exceed fifty million dollars.

In making its determination of whether or not to approve an application, the tax credit authority may conduct an interview of the applicant.

(2) If the tax credit authority approves an application, the authority shall issue a statement certifying the associated transformational mixed use development project and preliminarily approving a tax credit. The statement shall stipulate that receipt of a tax credit certificate is contingent upon completion of the transformational mixed use development as described in the development plan. The statement shall specify the estimated amount of the tax credit, but state that the amount of the credit is dependent upon determination of the actual development costs

attributed to the project and, unless the tax credit authority
 grants a request by the property owner under division (F) of this
 section, of the increase in tax collections during the completion
 period.

(3) Except as otherwise provided in this division, if the
 applicant is an insurance company that is not the property owner,
 the estimated amount of the tax credit shall equal ten per cent of
 the insurance company's capital contribution to the project as
 reported in the development plan pursuant to division (B)(7) of
 this section. Except as otherwise provided in this division, if
 the applicant is the property owner, the estimated amount of the
 tax credit shall equal ten per cent of the estimated development
 costs for the project as reported in the development plan pursuant
 to division (B)(3) of this section minus any estimated credit
 amounts that have been preliminarily approved for insurance
 companies contributing capital to the project. The estimated
 credit amounts may be reduced by the tax credit authority as a
 condition of certifying the project if such a reduction is
 necessary to comply with the limitations on the amount of credits
 that may be preliminarily approved as prescribed by division
 (C)(5) of this section. The estimated credit amounts shall not be
 adjusted after the statement described in division (C)(2) of this
 section has been issued.

(4) If the tax credit authority denies an application, the
 authority shall notify the applicant of the reason or reasons for
 such determination. The authority's determination is final, but an
 applicant may revise and resubmit a previously denied application.

(5)(a) The tax credit authority shall not certify any
 transformational mixed use development projects after June 30,
~~2023~~ 2025.

(b) The tax credit authority may not preliminarily approve 197
 more than one hundred million dollars of estimated tax credits in 198
 each of fiscal years ~~2020, 2021,~~ 2022, ~~and 2023,~~ 2024, and 2025. 199

(c) Not more than eighty million dollars of estimated tax 200
 credits in each such fiscal year may be preliminarily approved in 201
 connection with projects that are located within ten miles of a 202
 major city. 203

(d) Not more than forty million dollars of estimated tax 204
 credits may be preliminarily approved in connection with the same 205
 transformational mixed use development project. 206

(6) If the dollar amount of tax credits applied for under 207
 division (B) of this section in connection with projects that are 208
 located within ten miles of a major city exceeds eighty million 209
 dollars for a fiscal year, the tax credit authority shall rank 210
 those applications and certify the associated projects in order, 211
 starting with the project that presents the best combination of 212
 economic value and transformational impact. If the dollar amount 213
 of tax credits applied for in connection with projects not located 214
 within ten miles of a major city exceeds twenty million dollars 215
 for a fiscal year, the tax credit authority shall rank those 216
 applications and certify the associated projects in order, 217
 starting with the project that presents the best combination of 218
 economic value and transformational impact. In either case, the 219
 authority shall consider the following factors in ranking the 220
 applications: 221

(a) The projected increase in tax collections during the 222
 completion period as a percentage of the total amount of estimated 223
 tax credits that would be preliminarily approved in connection 224
 with the project; 225

(b) The economic impact of the project on the development 226

site and the surrounding area and the impact of the project in 227
 terms of architecture, accessibility to pedestrians, retail 228
 entertainment and dining sales, job creation, property values, and 229
 connectivity; 230

(c) The expeditiousness of the schedule for completing the 231
 project, realizing the increase in tax collections, and attaining 232
 the economic and other impacts on the development site and the 233
 surrounding area. 234

(D) Within twelve months of the date a project is certified, 235
 the property owner shall provide the tax credit authority with an 236
 updated schedule for the progression and completion of the project 237
 and documentation sufficient to demonstrate that construction of 238
 the project has begun. If the property owner does not provide the 239
 schedule and documentation or if construction of the project has 240
 not begun within the time prescribed by this division, the tax 241
 credit authority shall rescind certification of the project and 242
 send notice of the rescission to the property owner and each 243
 insurance company that is preliminarily approved for a tax credit 244
 in connection with the project. A property owner that receives 245
 notice of rescission may submit a new application concerning the 246
 same project under division (B) of this section. 247

(E) An applicant that is the property owner and is 248
 preliminarily approved for a tax credit under this section may 249
 sell or transfer the rights to that credit to one or more persons 250
 for the purpose of raising capital for the certified project. The 251
 applicant shall notify the tax credit authority upon selling or 252
 transferring the rights to the credit. The notice shall identify 253
 the person or persons to which the credit was sold or transferred 254
 and the credit amount sold or transferred to each such person. 255
 Only an applicant that owns the property may sell or transfer a 256

credit under this division. A credit may be divided among multiple purchasers through more than one transaction but once a particular credit amount is acquired by a person other than the applicant it may not be sold or transferred again.

(F) After a transformational mixed use development project is certified and before it is completed, the property owner may request that the value of the tax credit certificates awarded in connection with the project be computed using the alternative method described in division (I) of this section. The tax credit authority shall grant the request if the authority determines, and a third party engaged by the authority at the expense of the property owner affirms, that it is reasonably certain that the increase in tax collections will exceed ten per cent of the estimated development costs within one year after the project is completed. Otherwise, the authority shall deny the request and the amount of each credit awarded in connection with the project shall be computed under division (H) of this section. The authority's determination under this division shall be delivered in writing and is final and not appealable.

(G)(1) The property owner shall notify the tax credit authority upon completion of a certified transformational mixed use development project. The notification shall include a report prepared by a third-party certified public accountant that contains a detailed accounting of the actual development costs attributed to the project.

(2) Upon receiving such a notice, unless the tax credit authority has previously granted a request by the property owner under division (F) of this section, the authority shall determine the increase in tax collections since the date the project was certified by consulting with the tax commissioner and with the tax

administrator of any municipal corporation that levies an income 287
 tax within the project site and the surrounding area. The tax 288
 commissioner and the tax administrators that are consulted 289
 pursuant to this division shall provide the tax credit authority 290
 with any information that is necessary to determine the increase 291
 in tax collections. 292

(3) After determining the increase in tax collections under 293
 division (G)(2) of this section, if required, and computing the 294
 value of the tax credit under division (H) or (I) of this section, 295
 as applicable, the tax credit authority shall issue a tax credit 296
 certificate to each applicant that is preliminarily approved for a 297
 credit associated with the project or to the person or persons to 298
 which such an applicant sold or transferred the rights to the 299
 credit under division (E) of this section. If the amount of the 300
 tax credit awarded to the property owner is less than the credit 301
 amount estimated under division (C) of this section and the 302
 property owner sold or transferred the rights to the credit, the 303
 tax credit authority shall reduce the amount of each tax credit 304
 certificate issued to each purchaser or recipient on a pro rata 305
 basis unless the property owner requests an alternative allocation 306
 of the credit. 307

(H)(1) Unless the tax credit authority granted a request by 308
 the property owner under division (F) of this section, the 309
 aggregate value of the tax credit certificates issued under 310
 division (G) of this section to the property owner and to any 311
 persons to whom the property owner sold or transferred the rights 312
 to the credit shall equal the lesser of the following: 313

(a) Ten per cent of the adjusted development costs; 314

(b) Five per cent of the adjusted development costs plus any 315
 amount by which the property owner's share of the increase in tax 316

collections since the date the project was certified exceeds five 317
per cent of the adjusted development costs; 318

(c) The estimated credit amount specified in the tax credit 319
authority's statement certifying the project and preliminarily 320
approving the tax credit under division (C) of this section. 321

(2) The value of a tax credit certificate issued under 322
division (G) of this section to an insurance company that 323
contributed capital to the project shall equal the lesser of the 324
following: 325

(a) Ten per cent of the insurance company's actual capital 326
contribution; 327

(b) Five per cent of such capital contribution plus any 328
amount by which the insurance company's share of the increase in 329
tax collections since the date the project was certified exceeds 330
five per cent of the insurance company's capital contribution; 331

(c) The estimated credit amount specified in the tax credit 332
authority's statement certifying the project and preliminarily 333
approving the tax credit under division (C) of this section. 334

(I) If the tax credit authority granted a request by the 335
property owner under division (F) of this section, the value of 336
the tax credit certificates issued in connection with the 337
transformational mixed use development project shall be computed 338
as follows: 339

(1) For the property owner or any person to which the 340
property owner sold or transferred the rights to the credit, ten 341
per cent of the actual development costs attributed to the 342
project. If the amount of the credit is less than the credit 343
amount estimated under division (C) of this section and the 344
property owner sold or transferred the rights to the credit to 345

more than one person, the authority shall reduce the amount of 346
each tax credit certificate on a pro rata basis unless the 347
property owner requests an alternative allocation of the credit. 348

(2) For an insurance company that contributed capital to the 349
project, ten per cent of the insurance company's actual capital 350
contribution. 351

(J) If the value of a tax credit certificate was computed 352
under division (H) of this section for a project, the property 353
owner, on or before the thirtieth day following the first, second, 354
third, fourth, and fifth anniversaries of the date the certified 355
transformational mixed use development project is completed, may 356
request in writing that the tax credit authority update the 357
increase in tax collections during the completion period. Upon 358
receiving such a request, the tax credit authority shall update 359
the increase in tax collections in the same manner described by 360
division (G) of this section. If the tax credit authority 361
determines that the value of the tax credit certificates computed 362
under division (H) of this section would be greater if computed 363
based on the updated increase in tax collections, the authority 364
shall issue an additional tax credit certificate to each person 365
that previously received a certificate for the project under those 366
divisions. The value of each additional tax credit certificate 367
shall equal the amount by which the tax credit certificate 368
computed under division (H) of this section upon completion of the 369
project would have been greater had the value of such certificate 370
been computed based on the updated increase in tax collections, 371
less the value of any additional tax credit certificates 372
previously issued under this division to the same person 373
respecting the same project. 374

(K) The aggregate value of all tax credit certificates issued 375

under this section for the same transformational mixed use 376
development project shall not exceed (1) ten per cent of the 377
actual development costs of that project or (2) the sum of all 378
estimated credit amounts preliminarily approved by the tax credit 379
authority in connection with the project. 380

(L) Issuance of a tax credit certificate under this section 381
does not represent a verification or certification by the tax 382
credit authority of the actual development costs of the project or 383
the capital contributions to the project by an insurance company. 384
Such amounts are subject to inspection and examination by the 385
superintendent of insurance. 386

(M) Upon the issuance of a tax credit certificate under 387
division (G) or (J) of this section, the tax credit authority 388
shall certify to the superintendent of insurance (1) the name of 389
each person that was issued a tax credit certificate, (2) whether 390
the person is the property owner, an insurance company that 391
contributed capital to the development, or a person that acquired 392
the rights to the tax credit certificate from the property owner, 393
(3) the credit amount shown on each tax credit certificate, and 394
(4) any other information required by the rules adopted under this 395
section. A person that holds the rights to a tax credit 396
certificate issued under this section and that is an insurance 397
company may claim a tax credit under section 5725.35 or 5729.18 of 398
the Revised Code. 399

(N) The tax credit authority shall publish information about 400
each transformational mixed use development on the web site of the 401
department of development ~~services agency~~ not later than the first 402
day of August following certification of the project. The tax 403
credit authority shall update the published information annually 404
until the project is complete and the credit or credits are fully 405

claimed. The published information shall include all of the	406
following:	407
(1) The location of the transformational mixed use	408
development and the name by which it is known;	409
(2) The estimated schedule for progression and completion of	410
the project included in the development plan pursuant to division	411
(B)(4) of this section;	412
(3) The assessment of the projected economic impact of the	413
project included in the development plan pursuant to division	414
(B)(5) of this section;	415
(4) The evidence supporting the estimated increase in tax	416
collections included in the development plan pursuant to division	417
(B)(6) of this section, except that the tax credit authority may	418
omit any proprietary or sensitive information included in such	419
evidence;	420
(5) The estimated development costs that have been or will be	421
incurred in completion of the project and, if applicable, the	422
amount of the insurance company's capital contribution to the	423
development and the date on which it was made, as reported in the	424
development plan pursuant to divisions (B)(3) and (7) of this	425
section;	426
(6) A copy of each report submitted to the tax credit	427
authority by the applicant under division (D) of this section.	428
(0) The director, in accordance with Chapter 119. of the	429
Revised Code, shall adopt rules that establish all of the	430
following:	431
(1) Forms and procedures by which applicants may apply for a	432
transformational investment tax credit, and any deadlines for	433
applying;	434

(2) Criteria and procedures for reviewing, evaluating, ranking, and approving applications within the limitations prescribed by this section, including rules prescribing the timing and frequency by which the tax credit authority must rank applications and preliminarily approve tax credits under division (C) of this section; 435
436
437
438
439
440

(3) Eligibility requirements for obtaining a tax credit certificate under this section; 441
442

(4) The form of the tax credit certificate; 443

(5) Reporting requirements and monitoring procedures; 444

(6) Procedures for computing the increase in tax collections within the project site and the surrounding area; 445
446

(7) Forms and procedures by which property owners may request the alternative method of computing the value of tax credit certificates under division (I) of this section that are awarded in connection with a project and criteria for evaluating and making a determination on such requests; 447
448
449
450
451

(8) Any other rules necessary to implement and administer this section." 452
453

In line 70831, after "122.041," insert "122.09," 454

The motion was _____ agreed to.

SYNOPSIS

Transformational mixed use development (TMUD) tax credit 455

R.C. 122.09 456

Modifies an existing insurance premium tax credit for capital 457

contributions to the construction of a transformational mixed use 458
development (TMUD) by (1) extending the sunset date for certifying 459
new TMUD projects by two years, to June 30, 2025; and (2) setting 460
the maximum annual credit allotment for FY 2024 and 2025 at \$100 461
million (the same limit that applies under current law to FY 2020 462
to 2022, though no credits have been issued in FY 2020 or 2021). 463

_____ moved to amend as follows:

1 In line 76023, delete "\$19,810,000 \$15,850,000" and
2 insert "\$20,710,000 \$16,450,000"

3 In line 76030, add \$900,000 to fiscal year 2022 and
4 \$600,000 to fiscal year 2023

5 In line 76094, add \$900,000 to fiscal year 2022 and
6 \$600,000 to fiscal year 2023

7 After line 76230, insert:

8 "Of the foregoing appropriation item 195503, Local
9 Development Projects, \$900,000 in fiscal year 2022 and \$600,000
10 in fiscal year 2023 shall be allocated to the SkillUp Coalition
11 for rapid reskilling initiatives in Ohio's Appalachian
12 counties."

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Development**

16 **Sections 259.10 and 259.20**

17 Increases appropriations under appropriation item 195503,
18 Local Development Projects, by \$900,000 in FY 2022 and \$600,000
19 in FY 2023 to totals of \$20,710,000 in FY 2022 and \$16,450,000
20 in FY 2023.

SC3986

21 Requires the increased amounts to be allocated to the
22 SkillUp Coalition for rapid reskilling initiatives in Ohio's
23 Appalachian counties.

_____ moved to amend as follows:

1 After line 89292, insert:

2 **"Section 757.____.** As used in this section, "qualified
3 property" means any property that satisfies the qualifications
4 for tax exemption under the terms of section 5709.12 or 5709.121
5 of the Revised Code, that is owned by a nonprofit organization
6 exempt from federal taxation under section 501(a) of the
7 Internal Revenue Code as an organization described in section
8 501(c)(3) of the Internal Revenue Code, and, before its
9 conveyance to that organization, was owned by a school district.

10 Notwithstanding section 5713.081 of the Revised Code, when
11 qualified property has not received tax exemption due to a
12 failure to comply with Chapter 5713. or section 5715.27 of the
13 Revised Code, the property's owner, at any time on or before
14 twelve months after the effective date of this section, may file
15 with the Tax Commissioner an application requesting that the
16 property be placed on the tax-exempt list and that all unpaid
17 taxes, penalties, and interest on the property be abated.

18 The application shall be made on the form prescribed by the
19 Commissioner under section 5715.27 of the Revised Code and shall

20 list the name of the county in which the property is located;
21 the property's parcel number or legal description; its assessed
22 value; the amount in dollars of the unpaid taxes, penalties, and
23 interest; and any other information required by the
24 Commissioner. The county auditor shall supply the required
25 information upon request of the applicant.

26 After receiving and considering the application, the
27 Commissioner shall determine if the applicant meets the
28 qualifications set forth in this section. If so, the
29 Commissioner shall issue an order directing that the property be
30 placed on the tax-exempt list of the county and that all unpaid
31 taxes, penalties, and interest be abated. If the Commissioner
32 finds that the property is not now being used for an exempt
33 purpose or is otherwise ineligible for abatement of taxes,
34 penalties, and interest under this section, the Commissioner
35 shall issue an order denying the application.

36 If the Commissioner finds that the property is not entitled
37 to tax exemption and to the abatement of unpaid taxes,
38 penalties, and interest, the Commissioner shall order the county
39 treasurer of the county in which the property is located to
40 collect all taxes, penalties, and interest due on the property
41 for those years in accordance with law.

42 The Commissioner may apply this section to any qualified
43 property that is the subject of an application for exemption

44 pending before the Commissioner on the effective date of this
45 section without requiring the property owner to file an
46 additional application."

47 The motion was _____ agreed to.

48 SYNOPSIS

49 **Property tax abatement for charitable use property**

50 **Section 757. __**

51 Establishes a temporary procedure by which a 501(c)(3)
52 organization that acquired property from a school district may
53 apply for a tax exemption and the abatement of more than three
54 years of unpaid property taxes, penalties, and interest due on
55 the property, provided it currently qualifies for the charitable
56 use exemption.

57 Under continuing law, property is tax-exempt if it is used
58 exclusively for a charitable purpose, but such property may not
59 be exempted if more than three years' worth of taxes remain
60 unpaid.

_____ moved to amend as follows:

1 After line 81258, insert:

2 "Of the foregoing appropriation item 600689, TANF Block
3 Grant, \$425,000 in each fiscal year shall be provided, in
4 accordance with sections 5101.80 and 5101.801 of the Revised
5 Code, to Mahoning County High School to support out-of-school
6 programs in Mahoning County."

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Department of Job and Family Services**

10 **Section 307.80**

11 Earmarks \$425,000 in each fiscal year from FED Fund 3V60
12 appropriation item 600689, TANF Block Grant, for Mahoning County
13 High School.

_____ moved to amend as follows:

1 In line 82190, delete "\$1,000,000" and insert "\$2,500,000"

2 In line 82198, add \$1,500,000 to fiscal year 2022

3 In line 82200, add \$1,500,000 to fiscal year 2022

4 In line 82225, add \$1,500,000 to fiscal year 2022

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Department of Medicaid**

8 **Section 333.10**

9 Increases appropriation item 651426, Positive Education
10 Program Connections, by \$1.5 million (to \$2.5 million) in
11 FY 2022.

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_____ moved to amend as follows:

In line 22 of the title, after "715.72," insert "733.81," 1

In line 228, after "715.72," insert "733.81," 2

After line 13827, insert: 3

"**Sec. 733.81.** (A) As used in this section, "fiscal officer" 4
means the city auditor, city treasurer, village fiscal officer, 5
village clerk-treasurer, village clerk, and, in the case of a 6
municipal corporation having a charter that designates an officer 7
who, by virtue of the charter, has duties and functions similar to 8
those of the city or village officers referred to in this section, 9
the officer so designated by the charter. 10

(B) To enhance the background and working knowledge of fiscal 11
officers in government accounting, budgeting and financing, 12
financial report preparation, cybersecurity, and the rules adopted 13
by the auditor of state, the auditor of state shall conduct 14
education programs and continuing education courses for 15
individuals elected or appointed for the first time to the office 16
of fiscal officer, and shall conduct continuing education courses 17
for individuals who continue to hold the office in a subsequent 18
term. The Ohio municipal league also may conduct such initial 19
education programs and continuing education courses if approved by 20

the auditor of state. The auditor of state, in conjunction with
the Ohio municipal league, shall determine the manner and content
of the initial education programs and continuing education
courses.

(C) A newly elected or appointed fiscal officer shall
complete at least six hours of initial education programs before
commencing, or during the first year of, office. A fiscal officer
who participates in a training program held under section 117.44
of the Revised Code may apply those hours taken before commencing
office to the six hours of initial education programs required
under this division.

(D)(1) In addition to the six hours of initial education
required under division (B) of this section, a newly elected or
appointed fiscal officer shall complete at least a total of
eighteen continuing education hours during the fiscal officer's
first term of office.

(2) A An elected or appointed fiscal officer who ~~is elected~~
~~to retains office for~~ a subsequent term ~~of office~~ shall complete
twelve hours of continuing education courses in each subsequent
term of office.

(3) The auditor of state shall adopt rules specifying the
initial education programs and continuing education courses that
are required for a fiscal officer who has been appointed ~~to fill a~~
~~vacancy~~. The requirements shall be proportionally equivalent,
based on the time remaining in the vacated office, to the
requirements for a newly elected or appointed fiscal officer.

(4) At least two hours of ethics instruction shall be
included in the continuing education hours required by divisions
(D)(1) and (2) of this section.

(5) A fiscal officer who participates in a training program 50
or seminar established under section 109.43 of the Revised Code 51
may apply the three hours of training to the continuing education 52
hours required by divisions (D)(1) and (2) of this section. 53

(E)(1) A certified public accountant who serves as a fiscal 54
officer may apply to the continuing education hours required by 55
division (D) of this section any hours of continuing education 56
completed under section 4701.11 of the Revised Code after being 57
elected or appointed as a fiscal officer. 58

(2) A fiscal officer may apply to the continuing education 59
hours required by division (D) of this section any hours of 60
continuing education completed under section 135.22 of the Revised 61
Code after being elected or appointed as a fiscal officer. 62

(3) A fiscal officer who teaches an approved continuing 63
education course under division (D) of this section is entitled to 64
credit for the course in the same manner as if the fiscal officer 65
had attended the course. 66

(F) The auditor of state shall adopt rules for verifying the 67
completion of initial education programs and continuing education 68
courses required under this section for each category of fiscal 69
officer. The auditor of state shall issue a certificate of 70
completion to each fiscal officer who completes the initial 71
education programs and continuing education courses. The auditor 72
of state shall issue a "failure to complete" notice to any fiscal 73
officer who is required to complete initial education programs and 74
continuing education courses under this section, but who fails to 75
do so. The notice is for informational purposes only and does not 76
affect any individual's ability to hold the office to which the 77
individual was elected or appointed. 78

(G) The legislative authority of a municipal corporation 79

shall approve a reasonable amount requested by the fiscal officer 80
to cover the costs the fiscal officer is required to incur to meet 81
the requirements of this section, including registration fees, 82
lodging and meal expenses, and travel expenses." 83

In line 70842, after "715.72," insert "733.81," 84

The motion was _____ agreed to.

SYNOPSIS

Municipal fiscal officer continuing education 85

R.C. 733.81 86

Requires an *appointed* municipal fiscal officer to complete 18 87
hours of continuing education during the first term of office and 88
12 hours in each subsequent term of office. This is the current 89
requirement for *elected* municipal fiscal officers. 90

_____ moved to amend as follows:

1 After line 86493 insert:

2 "Dedicated Purpose Fund Group

3 5QT0 776670 Ohio Maritime \$11,000,000 \$12,000,000"

4 Assistance Program

5 TOTAL DPF Dedicated Purpose \$11,000,000 \$12,000,000"

6 Fund Group

7 In line 86494 add \$11,000,000 to fiscal year 2022 and
8 \$12,000,000 to fiscal year 2023.

9 After line 86504, insert:

10 "**Section 411.40** OHIO MARITIME ASSISTANCE PROGRAM

11 The foregoing appropriation item 776670, Ohio Maritime
12 Assistance Program, shall be used for the Ohio Maritime
13 Assistance Program established under Section 5501.91 of the
14 Revised Code.

15 Notwithstanding Chapter 166. Of the Revised Code, the
16 Director of Budget and Management shall transfer \$11,000,000
17 cash in fiscal year 2022 and \$12,000,000 cash in fiscal year
18 2023 from the Facilities Establishment Fund (Fund 7037) to the
19 Ohio Maritime Assistance Fund (Fund 5QT0)."

20 The motion was _____ agreed to.

21

SYNOPSIS

22

Department of Transportation

23

Sections 411.10 and 411.40

24

Appropriates \$11,000,000 in FY 2022 and \$12,000,000 in

FY 2023 under DPF Fund 5QT0 appropriation item 776670, Ohio

Maritime Assistance Program, to issue grants to qualifying port

authorities under the Ohio Maritime Assistance Program. Funds

the appropriation through a cash transfer of \$11,000,000 in

FY 2022 and \$12,000,000 in FY 2023 from the Facilities

Establishment Fund (Fund 7037) to the Ohio Maritime Assistance

Fund (Fund 5QT0).

31

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_____ moved to amend as follows:

In line 21 of the title, after "504.04," insert "507.021" 1

In line 228, after "504.04," insert "507.021," 2

After line 12982, insert: 3

"**Sec. 507.021.** (A) The township fiscal officer may hire and 4
appoint one or more persons as the fiscal officer finds necessary 5
to provide assistance to the township fiscal officer or deputy 6
fiscal officer. The township fiscal officer may set the 7
compensation of those persons subject to ~~the prior approval of the~~ 8
~~board of township trustees~~ division (B) of this section. Those 9
persons shall serve at the pleasure of the township fiscal officer 10
or, in the absence of the township fiscal officer, the deputy 11
fiscal officer. The township fiscal officer may delegate to an 12
assistant any of the duties the fiscal officer is otherwise 13
required to perform. The appointment of assistants under this 14
section does not relieve the township fiscal officer of 15
responsibility to discharge the duties of the office but shall 16
serve to provide assistance to the fiscal officer in performing 17
those duties. 18

(B) The compensation of an assistant appointed under this 19
section shall be included in the estimate of contemplated 20

expenditures for the township fiscal officer's office that is 21
submitted to the board of township trustees for approval as 22
provided in section 5705.28 of the Revised Code. 23

(C) Except as otherwise provided in section 3.061 of the 24
Revised Code, before serving, an assistant to the township fiscal 25
officer shall give bond for the faithful discharge of the duties 26
of the office as may be delegated by the fiscal officer. The bond 27
shall be payable to the board of township trustees and shall be 28
for the same sum as required under section 507.03 of the Revised 29
Code for the township fiscal officer, with sureties approved by 30
the board, and conditioned for the faithful performance of duties 31
delegated by the fiscal officer. The bond shall be recorded by the 32
township fiscal officer, filed with the county treasurer, and 33
carefully preserved." 34

In line 70842, after "504.04," insert "507.021," 35

The motion was _____ agreed to.

SYNOPSIS

Township fiscal officer assistant compensation 36

R.C. 507.021 37

Allows township fiscal officers to set the compensation of 38
their hired assistants without prior approval from the board of 39
township trustees. 40

_____ moved to amend as follows:

1 In line 76023, delete "\$19,810,000" and insert
2 "\$20,810,000"

3 In line 76030, add \$1,000,000 to fiscal year 2022

4 In line 76094, add \$1,000,000 to fiscal year 2022

5 After line 76230 insert:

6 "Of the foregoing appropriation item 195503, Local
7 Development Projects, \$1,000,000 in fiscal year 2022 shall be
8 allocated to Mahoning Valley Campus of Care."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Development**

12 **Sections 259.10 and 259.20**

13 Increases GRF appropriations under appropriation item
14 195503, Local Development Projects, by \$1,000,000 in FY 2022 to
15 a total of \$20,810,000.

16 Earmarks the increased amount for Mahoning Valley Campus of
17 Care.

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_____ moved to amend as follows:

- In line 7 of the title, after "122.178," insert "122.403," 1
- In line 154 of the title, after "117.50," insert "122.404," 2
- In line 217, after "122.178," insert "122.403," 3
- After line 4776, insert: 4

"**Sec. 122.403.** (A)(1) There is hereby created, within the 5
development services agency, the broadband expansion program 6
authority, which shall consist of the director of development 7
services or the director's designee, the director of the office of 8
InnovateOhio or the director's designee, and three other members 9
as follows: one member appointed by the president of the senate, 10
one member appointed by the speaker of the house of 11
representatives, and one member appointed by the governor. 12

(2) Appointed members shall have expertise in broadband 13
infrastructure and technology. Appointed members may not be 14
affiliated with or employed by the broadband industry or in a 15
position to benefit from a program grant. 16

~~(3) The assignment of designees by the director of 17
development services and the director of InnovateOhio shall be 18
made in writing. 19~~

(B) Appointed members shall serve four year terms and are 20

eligible for reappointment. 21

(C) Vacancies shall be filled in the same manner as provided 22
for original appointments. Any member appointed to fill a vacancy 23
occurring prior to the expiration of the term for which the 24
member's predecessor was appointed shall hold office for the 25
remainder of that term. 26

~~(D)(1)(a) Appointed members shall receive a monthly stipend 27
as calculated under section 145.016 of the Revised Code in an 28
amount that will qualify each member for one year of retirement 29
service credit under the Ohio public employees retirement system 30
for each year of the member's term. 31~~

~~(b) Notwithstanding the requirement of section 145.58 of the 32
Revised Code that eligibility for health care coverage provided 33
under that section be based on years and types of service credit 34
in accordance with rules adopted by the public employees 35
retirement board, if the board provides health care coverage under 36
that section, no service credit earned for service as a member of 37
the authority shall be considered for purposes of determining 38
eligibility for coverage under that section. 39~~

~~(e)(D) Members shall receive reimbursement for their 40
necessary and actual expenses incurred in performing the business 41
of the authority. The reimbursements constitute, as applicable, 42
administrative costs of the Ohio residential broadband expansion 43
grant program. 44~~

~~(2) An appointed member of the authority who is currently 45
serving as an administrative department head under section 121.03 46
of the Revised Code is not eligible to receive a stipend under 47
division (A) of this section. 48~~

~~(3) The agency shall be responsible for paying all 49~~

reimbursements ~~and stipends~~ under this section. 50

(E) The director of development services, or the director's 51
designee, shall serve as chairperson of the authority. The members 52
of the authority annually shall elect a vice-chairperson from the 53
members of the authority. Three members of the authority 54
constitute a quorum to transact and vote on the business of the 55
authority. An affirmative vote of three members is necessary to 56
approve any business, including the election of the 57
vice-chairperson. 58

(F) The assignment of designees by the director of 59
development services and the director of InnovateOhio shall be 60
made in writing. If the director of development services assigns a 61
designee to serve on the authority, the director of development 62
services shall appoint a professional employee of the development 63
services agency to serve as the director's designee at authority 64
meetings. In the absence of the director of development services 65
or the director's designee, the vice-chairperson of the authority 66
shall serve as chairperson of authority meetings. 67

(G) The authority is not an agency for purposes of sections 68
101.82 to 101.87 of the Revised Code." 69

In line 70831, after "122.178," insert "122.403," 70

In line 70916, after "117.50," insert "122.404," 71

The motion was _____ agreed to.

SYNOPSIS

Broadband Expansion Program Authority stipends 72

R.C. 122.403 73

Repeals the requirement that members appointed to the 74
Broadband Expansion Program Authority receive a monthly stipend 75
that qualifies each member for one year of retirement service 76
credit under the Ohio Public Employees Retirement System (OPERS) 77
for each year of the member's term. 78

Repeals related stipend provisions specifying that (1) the 79
service credit may not be considered for determining health care 80
coverage if offered by OPERS, (2) appointed members who serve as a 81
state administrative department head are ineligible for a stipend, 82
and (3) the Department of Development is responsible for paying 83
all stipends. 84

Attending Authority meetings electronically 85

R.C. 122.404 (Repealed) 86

Repeals the provision allowing up to two Authority members at 87
a time to attend meetings electronically and the provisions 88
specifying the conditions under which electronic attendance may 89
occur. 90

_____ moved to amend as follows:

- 1 In line 76023, delete "\$19,810,000 \$15,850,000" and
- 2 insert "\$20,310,000 \$16,350,000"
- 3 In line 76030, add \$500,000 to each fiscal year
- 4 In line 76094, add \$500,000 to each fiscal year
- 5 In line 76247, delete "\$500,000" and insert "\$1,000,000"

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Department of Development**

9 **Sections 259.10 and 259.20**

10 Increases GRF appropriation item 195503, Local Development
 11 Projects, by \$500,000 in each fiscal year and correspondingly
 12 increases an existing earmark for the Center for Advanced
 13 Manufacturing and Logistics to provide workforce development,
 14 supply chain management, automation, research and development,
 15 and entrepreneurship to foster manufacturing and logistic
 16 industry jobs and company creation, from \$500,000 in each fiscal
 17 year to \$1,000,000 in each fiscal year.

_____ moved to amend as follows:

1 In line 89025, delete "sixteen" and insert "twenty-one"

2 In line 89044, delete "Agency" and insert "Association"

3 In line 89050, after "respectively" insert ";

4 (9) Three representatives of the County Commissioners
5 Association of Ohio, appointed by the Association, with one
6 representative each from a small, medium, and large county,
7 respectively;

8 (10) Two representatives of the Ohio Workforce Association,
9 appointed by the Association, with one representative from a
10 rural workforce area and one representative from a metro
11 workforce area"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Streamlining County Level-Information Access Task Force**
15 **membership**

16 **Section 751.10**

17 Expands the Streamlining County Level-Information Access
18 Task Force membership to 21 members from 16 members, as in the
19 current bill, by adding demographically representative members

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20 of the County Commissioners Association of Ohio (three) and the
21 Ohio Workforce Association (two).

_____ moved to amend as follows:

1 In line 85769, delete "or a"

2 In line 85770, after "college" insert ", or an Ohio
3 Technical Center"

4 In line 87171, delete "state institution of higher
5 education" and insert "state-supported community college, state
6 community college, technical college, or an Ohio Technical
7 Center"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Higher Education**

11 **Sections 381.440 and 512.120**

12 Adds students who are enrolled at Ohio Technical Centers to
13 those who are otherwise eligible for need-based financial aid
14 from DPF Fund 5NH0 appropriation item 235517, Short-Term
15 Certificates. Clarifies that cash transferred into Fund 5NH0 is
16 to support this need-based financial aid by listing the
17 institutions and adding Ohio Technical Centers, instead of
18 saying "a state institution of higher education."

_____ moved to amend as follows:

1 In line 152 of the title, after "5301.05," insert
2 "5713.083,"

3 In line 325, after "5301.05," insert "5713.083,"

4 After line 63274, insert:

5 "Sec. 5713.083. (A) The owner of property appearing on the
6 exempt list shall notify the county auditor, on a form
7 prescribed by the tax commissioner, if the property ceases to
8 qualify for exemption. The notification shall be filed with the
9 county auditor on or before the last day of the tax year for
10 which the property ceases to qualify for exemption. Upon receipt
11 of the notification, the county auditor shall return the
12 property to the tax list.

13 (B) If the county auditor discovers that an owner failed to
14 properly notify the auditor as required under division (A) of
15 this section, the auditor shall impose a charge against the
16 property described in that division equal to the total amount by
17 which taxes were reduced for any of the five preceding tax years
18 that the auditor ascertains the property was not entitled to the
19 exemption and was owned by the current owner. The auditor shall
20 notify the owner, by ordinary mail, of the charge, the owner's

21 right to appeal the charge, and the manner in which the owner
22 may appeal the charge. The owner may appeal the imposition of
23 the charge by filing an appeal with the county board of revision
24 not later than the last day prescribed for payment of real
25 property taxes under section 323.12 of the Revised Code
26 following receipt of the notice and occurring at least ninety
27 days after receipt of the notice. The appeal shall be treated in
28 the same manner as a complaint relating to the valuation or
29 assessment of real property under Chapter 5715. of the Revised
30 Code. The charge shall be collected in the same manner as other
31 delinquent taxes."

32 After line 89401, insert:

33 "Sec. 803.___. The notification requirement prescribed by
34 the enactment by this act of section 5713.083 of the Revised
35 Code applies to tax year 2022 and every tax year thereafter."

36 The motion was _____ agreed to.

37 SYNOPSIS

38 **Exempt property: notice of taxable use**

39 **R.C. 5713.083; Section 803.___**

40 Requires the owner of tax property to notify the county
41 auditor if the property ceases to qualify for exemption so that
42 the auditor may return the property to the tax list. Imposes a
43 charge on property whose owner fails to give such notice equal
44 to the tax savings for up to the five preceding years that the
45 property did not qualify for exemption.

_____ moved to amend as follows:

1 After line 81258, insert:

2 **"Section 307.82.** FAMILY STABILITY PROGRAMS

3 Of the foregoing appropriation item 600689, TANF Block
4 Grant, up to \$1,000,000 in each fiscal year shall be provided,
5 in accordance with sections 5101.80 and 5101.801 of the Revised
6 Code, to the Siemer Institute to support Family Stability
7 Programs in collaboration with United Way affiliates on a
8 quarterly basis. The funds shall be used to help provide
9 services and early intervention focused on improving family
10 housing stability, increasing household income, reducing school
11 mobility, and supporting two-generation programming to stabilize
12 family units.

13 Before any funds are reimbursed, the Siemer Institute or
14 affiliates shall provide the Department of Job and Family
15 Services with documentation showing the amount of private sector
16 dollars that have been collected to support the Family Stability
17 Programs. The amount of each reimbursement provided by the
18 Department to the Siemer Institute shall not exceed the amount

19 documented and shall not exceed the amount of the earmark in
20 each fiscal year.

21 On July 1, 2022, or as soon as possible thereafter, the
22 Director of Job and Family Services shall certify to the
23 Director of Budget and Management the amount of the unexpended,
24 unencumbered balance of this earmark in fiscal year 2022. The
25 amount certified is hereby reappropriated to the appropriation
26 item in fiscal year 2023 for the same purpose."

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **Department of Job and Family Services**

30 **Section 307.82**

31 Earmarks up to \$1,000,000 in each fiscal year for the
32 Siemer Institute to support Family Stability Programs in
33 collaboration with United Way affiliates from Federal Fund 3V60
34 appropriation item 600689, TANF Block Grant.

35 Specifies the Siemer Institute or its affiliates must
36 provide ODJFS with documentation showing the amount of private
37 sector dollars the organization has collected before funds are
38 reimbursed. Specifies that the amount of each reimbursement
39 provided by ODJFS must be equal to the amount documented, but
40 must not exceed the amount earmarked in each fiscal year.

41 Requires the ODJFS Director to certify the unexpended,
42 unencumbered portion of the earmark to the OBM Director on
43 July 1, 2022, or as soon as possible thereafter. Reappropriates
44 the amount certified to this earmark in FY 2023.

_____ moved to amend as follows:

1 In line 77030, delete \$2,207,740 \$2,207,740" and insert
2 "\$3,207,740 \$3,207,740"

3 In line 77047, add \$1,000,000 to each fiscal year

4 In line 77099, add \$1,000,000 to each fiscal year

5 In line 77552, delete "\$1,000,000" and insert "\$2,000,000"

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Department of Education**

9 **Sections 265.10 and 265.120**

10 Increases GRF appropriation item 200448, Educator
11 Preparation, by \$1,000,000 in each fiscal year. Increases by the
12 same amount the earmark from this item to support Teach for
13 America.

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_____ moved to amend as follows:

In line 46 of the title, after "3313.608," insert "3313.6011,"

In line 246, after "3313.608," insert "3313.6011,"

After line 26896, insert:

Sec. 3313.6011. (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

~~(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board~~⁽¹⁾ The department of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:

~~(1)~~^(a) Stress that students should abstain from sexual

activity until after marriage;	21
(2) (b) Teach the potential physical, psychological,	22
emotional, and social side effects of participating in sexual	23
activity outside of marriage;	24
(3) (c) Teach that conceiving children out of wedlock is	25
likely to have harmful consequences for the child, the child's	26
parents, and society;	27
(4) (d) Stress that sexually transmitted diseases are serious	28
possible hazards of sexual activity;	29
(5) (e) Advise students of the laws pertaining to financial	30
responsibility of parents to children born in and out of wedlock;	31
(6) (f) Advise students of the circumstances under which it is	32
criminal to have sexual contact with a person under the age of	33
sixteen pursuant to section 2907.04 of the Revised Code;	34
(7) (g) Emphasize adoption as an option for unintended	35
pregnancies.	36
<u>(2) If a school district or school chooses to offer</u>	37
<u>additional instruction in venereal disease or sexual education not</u>	38
<u>specified in division (C)(1) of this section, the district or</u>	39
<u>school shall notify all parents or guardians of that instruction,</u>	40
<u>including the name of any instructor, vendor name, if applicable,</u>	41
<u>and the name of the curriculum being used. No district or school</u>	42
<u>shall offer that instruction to a student unless that student's</u>	43
<u>parent or guardian has submitted written permission for that</u>	44
<u>student to receive that instruction. Division (E) of this section</u>	45
<u>does not apply to division (C)(2) of this section.</u>	46
<u>(3) Upon request, a school district or school shall provide</u>	47
<u>any materials associated with the instruction offered under</u>	48
<u>divisions (C)(1) and (2) of this section to a parent or guardian.</u>	49

(D) ~~Any model education program for health education the~~ 50
~~state board of education adopts shall conform to the requirements~~ 51
~~of this section~~ The state board of education shall not adopt a 52
separate model education program for health education. 53

(E) The department shall conduct an annual audit of each 54
city, local, and exempted village school district, at the start of 55
each school year, relative to its compliance with the instruction 56
requirements of this section and division (A)(5)(c) of section 57
3313.60 of the Revised Code. The department shall publish the 58
findings of each audit not later than one hundred twenty days 59
after the start of the school year. The department shall include 60
in the findings of each audit the name of any organization or 61
program that provided materials to a school district regarding 62
venereal disease instruction. The department's findings shall be 63
prominently posted on its web site. 64

(F) ~~On and after March 18, 1999, and notwithstanding section~~ 65
~~3302.07 of the Revised Code, the~~ The superintendent of public 66
instruction shall not approve, pursuant to section 3302.07 of the 67
Revised Code, any waiver of any requirement of this section ~~or of~~ 68
any rule adopted by the state board of education pursuant to this 69
section." 70

In line 70860, after "3313.608," insert "3313.6011," 71

The motion was _____ agreed to.

SYNOPSIS

Venereal disease instruction 72

R.C. 3313.6011 73

Requires a school district or school to notify all parents	74
and guardians if the district or school chooses to offer	75
additional instruction in venereal disease or sexual education not	76
specified under continuing law. Specifically requires this	77
notification to include the name of any instructors, vendor name	78
if applicable, and the name of the curriculum being used.	79
Prohibits a district or school from offering such instruction	80
to a student unless a parent or guardian has submitted written	81
permission for that student to receive that instruction.	82
Upon request, requires a district or school to provide any	83
instructional materials associated with venereal disease or sexual	84
education to a parent or guardian.	85
Requires the Department of Education to conduct an annual	86
audit at the beginning of each school year of school districts to	87
ensure compliance with continuing law requirements regarding	88
venereal disease education.	89
Requires the Department to publish the findings of the audits	90
not later than 120 days after the start of each school year.	91
Requires audits to be prominently posted on the Department's	92
website.	93

_____ moved to amend as follows:

1 After line 88954, insert:

2 **"Section 733.____.** (A) Notwithstanding any section of the
3 Revised Code to the contrary, students that meet any of the
4 following criteria shall be eligible for a scholarship under the
5 Educational Choice Scholarship Pilot Program for the 2021-2022
6 school year:

7 (1) Any student enrolled in a public school, excused from
8 the compulsory attendance law under section 3321.04 of the
9 Revised Code for purposes of home instruction, or new to Ohio
10 during the 2020-2021 school year who is or would be assigned to
11 a school included on the "EdChoice Scholarship Program 2019-2020
12 List of Designated Public Schools" or "EdChoice Scholarship
13 Program 2021-2022 List of Designated Public Schools" issued by
14 the Department of Education;

15 (2) Any student enrolling in kindergarten for the 2021-2022
16 school year who would be assigned to a school included on the
17 "EdChoice Scholarship Program 2019-2020 List of Designated
18 Public Schools" or "EdChoice Scholarship Program 2021-2022 List
19 of Designated Public Schools" issued by the Department;

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20 (3) Any student enrolled in a public school, nonpublic
21 school, excused from the compulsory attendance law under section
22 3321.04 of the Revised Code for purposes of home instruction, or
23 new to Ohio during the 2020-2021 school year who was or would
24 have been assigned to a school during the 2019-2020 school year
25 that was included on the "EdChoice Scholarship Program 2019-2020
26 List of Designated Public Schools" issued by the Department and
27 who subsequently relocated and was or would have been assigned
28 to a school building on the "EdChoice Scholarship Program 2020-
29 2021 List of Designated Public Schools" during the 2020-2021
30 school year;

31 (4) Any student enrolled in a public school, nonpublic
32 school, excused from the compulsory attendance law under section
33 3321.04 of the Revised Code for purposes of home instruction, or
34 new to Ohio during the 2020-2021 school year who is entering the
35 ninth grade for the 2021-2022 school year and is enrolled in or
36 otherwise would be assigned to a school building operated by the
37 student's resident district for that school year that appeared
38 on the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List
39 of Designated Public Schools" issued by the Department;

40 (5) Siblings of any student determined to be eligible under
41 (A) (1), (2), (3), or (4) of this section or who received a
42 scholarship during the 2020-2021 school year.

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43 (B) Not later than July 15, 2021, the Department shall do
44 all of the following:

45 (1) Develop eligibility guidance consistent with the
46 provisions of section (A) of this section and do both of the
47 following with that guidance:

48 (a) Post the guidance on the Department's web site in a
49 prominent, easy-to-find location;

50 (b) Provide the guidance documents to every nonpublic
51 school that accepts Educational Choice scholarships.

52 (2) Begin accepting and processing applications for the
53 2021-2022 school year for students eligible under division (A)
54 of this section.

55 (C) Applications submitted by August 1, 2021, shall receive
56 notice of award and details of any additional information
57 necessary to process the application or denial not later than
58 September 15, 2021."

59 In line 77040, delete "\$6,948,998,712 \$7,090,348,712" and
60 insert "\$6,958,998,712 \$7,100,348,712"

61 In line 77047, add \$10,000,000 to each fiscal year

62 In line 77099, add \$10,000,000 to each fiscal year

63 In line 83591, after "701.60" insert ", 733.____,"

64 The motion was _____ agreed to.

SYNOPSIS

65

66 **Additional eligibility for EdChoice scholarships for the**
67 **2021-2022 school year**

68 **Section 733.____ (A)**

69 Requires that students that meet any of the following
70 criteria be eligible for a scholarship under the Educational
71 Choice Scholarship Pilot Program for the 2021-2022 school year:

72 (1) Any student enrolled in a public school, excused from
73 the compulsory attendance law for purposes of home instruction,
74 or new to Ohio during the 2020-2021 school year who is or would
75 be assigned to a school included on the "EdChoice Scholarship
76 Program 2019-2020 List of Designated Public Schools" issued by
77 the Department of Education;

78 (2) Any student enrolling in kindergarten for the 2021-2022
79 school year who would be assigned to a school included on the
80 "EdChoice Scholarship Program 2019-2020 List of Designated
81 Public Schools" or "EdChoice Scholarship Program 2021-2022 List
82 of Designated Public Schools" issued by the Department;

83 (3) Any student enrolled in a public school, nonpublic
84 school, excused from the compulsory attendance law for purposes
85 of home instruction, or new to Ohio during the 2020-2021 school
86 year who was or would have been assigned to a school during the
87 2019-2020 school year that was included on the "EdChoice
88 Scholarship Program 2019-2020 List of Designated Public Schools"
89 issued by the Department and the student subsequently relocated
90 and was or would have been assigned to a school building on the
91 "EdChoice Scholarship Program 2020-2021 List of Designated
92 Public Schools;"

93 (4) Any student enrolled in a public school, nonpublic
94 school, excused from the compulsory attendance law for purposes
95 of home instruction, or new to Ohio during the 2020-2021 school
96 year who is entering the ninth grade for the 2021-2022 school
97 year and is enrolled in or otherwise would be assigned to a
98 school building operated by the student's resident district for
99 that school year that appeared on the 2019-2020 or 2021-2022
100 "EdChoice Scholarship Program List of Designated Public Schools"
101 issued by the Department;

102 (5) Siblings of any student determined to be eligible under
103 (1), (2), (3), or (4), above, or who received a scholarship
104 during the 2020-2021 school year.

105 **Implementation of the amendment's provisions**

106 **Section 733.__(B) and (C)**

107 Requires the Department to do both of the following by July
108 15, 2021:

109 (1) Develop eligibility guidance consistent with the
110 provisions of this amendment and do both of the following with
111 that guidance:

112 (a) Post the guidance on the Department's web site in a
113 prominent, easy-to-find location;

114 (b) Provide the guidance documents to every nonpublic
115 school that accepts Educational Choice scholarships.

116 (2) Begin accepting and processing applications for the
117 2021-2022 school year for students eligible under the provisions
118 of this amendment.

119 Requires that applications submitted by August 1, 2021,
120 receive notice of award and details of any additional
121 information necessary to process the application or denial not
122 later than September 15, 2021.

123 **Effective date**

124 **Section 812.23**

125 Specifies that the provisions of the amendment are exempt
126 from the referendum and take immediate effect when the bill
127 becomes law.

128 **Department of Education**

129 **Section 265.10**

130 Increases GRF appropriation item 200550, Foundation Funding
131 - All Students, by \$10,000,000 in each fiscal year.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 7 of the title, after "122.041," insert "122.15, 122.151, 122.153, 122.154, 122.156,"

In line 217, after "122.041," insert "122.15, 122.151, 122.153, 122.154, 122.156,"

After line 3737, insert:

"**Sec. 122.15.** As used in this section and sections 122.151 to 122.156 of the Revised Code:

(A) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person. For the purposes of this division, a person is "controlled by" another person if the controlling person holds, directly or indirectly, the majority voting or ownership interest in the controlled person or has control over the day-to-day operations of the controlled person by contract or by law.

(B) "Border county" means a county in this state that borders another state.

(C) "Closing date" means the date on which a rural business growth fund has collected all of the amounts specified by divisions (G)(1) and (2) of section 122.151 of the Revised Code.

~~(C)~~(D) "Credit-eligible capital contribution" means an investment of cash by a person subject to the tax imposed by section 3901.86, 5725.18, 5729.03, or 5729.06 of the Revised Code in a rural business growth fund that equals the amount specified on a notice of tax credit allocation issued by the department of development services agency under division (I)(1) of section 122.151 of the Revised Code. The investment shall purchase an equity interest in the fund or purchase, at par value or premium, a debt instrument issued by the fund that meets all of the following criteria:

(1) The debt instrument has an original maturity date of at least five years after the date of issuance.

(2) The debt instrument has a repayment schedule that is not faster than a level principal amortization over five years.

(3) The debt instrument has no interest, distribution, or payment features dependent on the fund's profitability or the success of the fund's growth investments.

~~(D)~~(E) "Eligible investment authority" means the amount stated on the notice issued under division (F) of section 122.151 of the Revised Code certifying the rural business growth fund. Sixty per cent of a fund's eligible investment authority shall be comprised of credit-eligible capital contributions.

~~(E)~~(F) "Full-time equivalent employee" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment over the preceding twelve-month period by two thousand eighty.

~~(F)~~(G) "Growth investment" means any capital or equity investment in a rural business concern or any loan to a rural business concern with a stated maturity of at least one year. A

secured loan or the provision of a revolving line of credit to a 50
rural business concern is a growth investment only if the rural 51
business growth fund obtains an affidavit from the president or 52
chief executive officer of the rural business concern attesting 53
that the rural business concern sought and was denied similar 54
financing from a commercial bank. 55

~~(G)~~(H) "Operating company" means any business that has its 56
principal business operations in this state, has fewer than two 57
hundred fifty employees and not more than fifteen million dollars 58
in net income for the preceding taxable year, and that is none of 59
the following: 60

(1) A country club; 61

(2) A racetrack or other facility used for gambling; 62

(3) A store the principal purpose of which is the sale of 63
alcoholic beverages for consumption off premises; 64

(4) A massage parlor; 65

(5) A hot tub facility; 66

(6) A suntan facility; 67

(7) A business engaged in the development or holding of 68
intangibles for sale; 69

(8) A private or commercial golf course; 70

(9) A business that derives or projects to derive fifteen per 71
cent or more of its net income from the rental or sale of real 72
property, except any business that is a special purpose entity 73
principally owned by a principal user of that property formed 74
solely for the purpose of renting, either directly or indirectly, 75
or selling real property back to such principal user if such 76
principal user does not derive fifteen per cent or more of its 77

gross annual revenue from the rental or sale of real property;	78
(10) A publicly traded business.	79
For the purposes of this division, "net income" means federal	80
gross income as required to be reported under the Internal Revenue	81
Code less federal and state taxes imposed on or measured by	82
income.	83
(H) (I) <u>"Population" means that shown by the most recent</u>	84
<u>decennial census or the most recent annual population estimate</u>	85
<u>published or released by the United States census bureau,</u>	86
<u>whichever is more recent.</u>	87
(J) A business's "principal business operations" are in this	88
state if at least eighty per cent of the business's employees	89
reside in this state, the individuals who receive eighty per cent	90
of the business's payroll reside in this state, or the business	91
has agreed to use the proceeds of a growth investment to relocate	92
at least eighty per cent of its employees to this state or pay at	93
least eighty per cent of its payroll to individuals residing in	94
this state. <u>For the purpose of growth investments by a program two</u>	95
<u>rural business growth fund, a business's "principal business</u>	96
<u>operations" are also in this state if it is headquartered in a</u>	97
<u>border county and at least sixty-five per cent of the business's</u>	98
<u>employees reside in this state, the individuals who receive</u>	99
<u>sixty-five per cent of the business's payroll reside in this</u>	100
<u>state, or the business has agreed to use the proceeds of a growth</u>	101
<u>investment to relocate at least sixty-five per cent of its</u>	102
<u>employees to this state or pay at least sixty-five per cent of its</u>	103
<u>payroll to individuals residing in this state.</u>	104
(K) <u>"Program one" refers to rural business growth funds</u>	105
<u>certified by the department of development under section 122.151</u>	106
<u>of the Revised Code before the effective date of this amendment.</u>	107

(L) "Program two" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code on or after the effective date of this amendment. 108
109
110
111

~~(I)~~(M) "Rural area" means any county in this state having a population less than two hundred thousand ~~as of the most recent decennial census or the most recent annual population estimate published or released by the United States census bureau.~~ 112
113
114
115

~~(J)~~(N) "Rural business concern" means an operating company that has its principal business operations located in a rural area. 116
117
118

~~(K)~~ (O) "Rural business growth fund" and "fund" mean an entity certified by the department of development ~~services agency~~ under section 122.151 of the Revised Code. 119
120
121

~~(L)~~(P) "Taxable year" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5729.02 of the Revised Code. 122
123
124
125

(O) "Tier one rural area" means any county in this state having a population less than two hundred thousand and more than one hundred fifty thousand. 126
127
128

(R) "Tier two rural area" means any county in this state having a population of more than seventy-five thousand but not more than one hundred fifty thousand. 129
130
131

(S) "Tier three rural area" means any county in this state having a population of not more than seventy-five thousand. 132
133

Sec. 122.151. (A) ~~On and after the effective date of the enactment of this section,~~ a A person that has developed a 134
135

business plan to invest in rural business concerns in this state 136
and has successfully solicited private investors to make 137
credit-eligible capital contributions in support of the plan may 138
apply to the department of development ~~services agency~~ for 139
certification as a rural business growth fund. The application 140
shall include all of the following: 141

(1) The total eligible investment authority sought by the 142
applicant under the business plan; 143

(2) Documents and other evidence sufficient to prove, to the 144
satisfaction of the agency, that the applicant meets all of the 145
following criteria: 146

(a) The applicant or an affiliate of the applicant is 147
licensed as a rural business investment company under 7 U.S.C. 148
2009cc, or as a small business investment company under 15 U.S.C. 149
681. 150

(b) As of the date the application is submitted, the 151
applicant has invested more than one hundred million dollars in 152
operating companies, including at least fifty million dollars in 153
operating companies located in rural areas. In computing 154
investments under this division, the applicant may include 155
investments made by affiliates of the applicant and investments 156
made in businesses that are not operating companies but would 157
qualify as operating companies if the principal business 158
operations were located in this state. 159

(3) The industries in which the applicant proposes to make 160
growth investments and the percentage of the growth investments 161
that will be made in each industry. The applicant shall identify 162
each industry by using the codes utilized by the north American 163
industry classification system. 164

(4) An estimate of the number of new full-time equivalent employees and retained full-time equivalent employees that will result from the applicant's growth investments;

(5) A revenue impact assessment for the applicant's proposed growth investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model. The revenue impact assessment shall analyze the applicant's business plan over the ten years following the date the application is submitted to the agency.

(6) A signed affidavit from each investor successfully solicited by the applicant to make a credit eligible capital contribution in support of the business plan. Each affidavit shall include information sufficient for the agency and the superintendent of insurance to identify the investor and shall state the amount of the investor's credit-eligible capital contribution.

(7) A nonrefundable application fee of five thousand dollars.

(B)(1) Except as provided in division (B)(2) of this section, the agency shall review and make a determination with respect to each application submitted under division (A) of this section within sixty days of receipt. The agency shall review and make determinations on the applications in the order in which the applications are received by the agency. Applications received by the agency on the same day shall be deemed to have been received simultaneously. The agency shall approve not more than seventy-five million dollars in eligible investment authority and not more than forty-five million dollars in credit-eligible capital contributions under this section for program one rural business growth funds. The agency shall approve not more than seventy-five million dollars in eligible investment authority and

not more than forty-five million dollars in credit-eligible 195
contributions under this section for program two rural business 196
growth funds. 197

(2) If the agency denies an application for certification as 198
a fund, and approving a subsequently submitted application would 199
result in exceeding the dollar limitation on eligible investment 200
authority or credit-eligible contributions prescribed by division 201
(B)(1) of this section assuming the previously denied application 202
were completed, clarified, or cured under division (D) of this 203
section, the agency shall refrain from making a determination on 204
the subsequently submitted application until the previously denied 205
application is reconsidered or the fifteen-day period for 206
submitting additional information respecting that application has 207
passed, whichever comes first. 208

(C) The agency shall deny an application submitted under this 209
section if any of the following are true: 210

(1) The application is incomplete. 211

(2) The application fee is not paid in full. 212

(3) The applicant does not satisfy all the criteria described 213
in division (A)(2) of this section. 214

(4) The revenue impact assessment submitted under division 215
(A)(5) of this section does not demonstrate that the applicant's 216
business plan will result in a positive economic impact on this 217
state over a ten-year period that exceeds the cumulative amount of 218
tax credits that would be issued under section 122.152 of the 219
Revised Code if the application were approved. 220

(5) The credit-eligible capital contributions described in 221
affidavits submitted under division (A)(6) of this section do not 222
equal sixty per cent of the total amount of eligible investment 223

authority sought under the applicant's business plan.	224
(6) The agency has already approved the maximum total	225
eligible investment authority and credit-eligible capital	226
contributions allowed under division (B) of this section.	227
(D) If the agency denies an application under division (C) of	228
this section, the agency shall send notice of its determination to	229
the applicant. The notice shall include the reason or reasons that	230
the application was denied. If the application was denied for any	231
reason other than the reason specified in division (C)(6) of this	232
section, the applicant may provide additional information to the	233
agency to complete, clarify, or cure defects in the application.	234
The additional information must be submitted within fifteen days	235
after the date the notice of denial was dispatched by the agency.	236
If the person submits additional information within fifteen days,	237
the agency shall reconsider the application within thirty days	238
after receiving the additional information. The application shall	239
be reviewed and considered before any pending application	240
submitted after the original submission date of the reconsidered	241
application. If the person does not submit additional information	242
within fifteen days after dispatch of the notice of denial, the	243
person may submit a new application with a new submission date at	244
any time.	245
(E) If approving multiple simultaneously submitted	246
applications would result in exceeding the overall eligible	247
investment limit prescribed by division (B) of this section, the	248
agency shall proportionally reduce the eligible investment	249
authority and the credit-eligible capital contributions for each	250
approved application as necessary to avoid exceeding the limit.	251
(F) The agency shall not deny a rural business growth fund	252
application or reduce the requested eligible investment authority	253

for reasons other than those described in divisions (C) and (E) of 254
 this section. If the agency approves such an application, the 255
 agency shall issue a written notice to the applicant certifying 256
 that the applicant qualifies as a rural business growth fund and 257
 specifying the amount of the applicant's eligible investment 258
 authority. 259

(G) A fund shall do all of the following within sixty days 260
 after receiving the certification issued under division (F) of 261
 this section: 262

(1) Collect the credit-eligible capital contributions from 263
 each investor whose affidavit was included in the application. If 264
 the rural business growth fund's requested eligible investment 265
 authority is proportionally reduced under division (E) of this 266
 section, the investor's required credit-eligible capital 267
 contribution shall be reduced by the same proportion. 268

(2) Collect one or more investments of cash that, when added 269
 to the contributions collected under division (G)(1) of this 270
 section, equal the fund's eligible investment authority. At least 271
 ten per cent of the fund's eligible investment authority shall be 272
 comprised of equity investments contributed directly or indirectly 273
 by affiliates of the fund, including employees, officers, and 274
 directors of such affiliates. 275

(H) Within sixty-five days after receiving the certification 276
 issued under division (F)(1) of this section, the fund shall send 277
 to the agency documentation sufficient to prove that the amounts 278
 described in divisions (G)(1) and (2) of this section have been 279
 collected. The fund shall identify any affiliate of an investor 280
 described in division (G)(1) of this section that will seek to 281
 claim the credit allowed by section 122.152 of the Revised Code. 282
 If the fund fails to fully comply with division (G) of this 283

section, the fund's certification shall lapse.	284
Eligible investment authority and corresponding	285
credit-eligible capital contributions that lapse under this	286
division do not count toward limits on total eligible investment	287
authority and credit-eligible capital contributions prescribed by	288
division (B) of this section. Once eligible investment authority	289
has lapsed, the agency shall first award lapsed authority pro rata	290
to each fund that was awarded less than the requested eligible	291
investment authority because of the operation of division (E) of	292
this section. Any remaining eligible investment authority may be	293
awarded by the agency to new applicants.	294
(I) After receiving documentation sufficient to prove that	295
the amounts described in divisions (G)(1) and (2) of this section	296
have been collected, the agency shall issue the following notices:	297
(1) To each investor or affiliate identified in division (H)	298
of this section, a notice of the amount and utilization schedule	299
of the tax credits allocated to that investor or affiliate as a	300
result of its credit-eligible capital contribution;	301
(2) To the superintendent of insurance, a notice of the	302
amount and utilization schedule of the tax credits allocated to	303
each investor described in division (G)(1) of this section and any	304
affiliate of such investor who will seek to claim the credit	305
allowed by section 122.152 of the Revised Code.	306
(J) Application fees submitted to the agency pursuant to	307
division (A)(7) of this section shall be credited to the tax	308
incentives operating fund created under section 122.174 of the	309
Revised Code, and shall be used by the agency to administer	310
sections 122.15 to 122.156 of the Revised Code.	311
Sec. 122.153. (A) The <u>department of</u> development services	312

agency shall not be required to issue a tax credit certificate 313
 under section 122.152 of the Revised Code if either of the fund in 314
~~which the following applies:~~ 315

(1) The credit-eligible capital contribution was made ~~does~~ 316
~~not invest in a program one rural business growth fund that fails~~ 317
~~to:~~ 318

(a) Invest fifty per cent of its eligible investment 319
 authority in growth investments within one year of the closing 320
 date; and 321

(b) Invest one hundred per cent of its eligible investment 322
 authority in growth investments in this state within two years of 323
 the closing date. 324

(2) The credit eligible contribution was made in a program 325
two rural business growth fund that fails to: 326

(a) Invest twenty-five per cent of its eligible investment 327
authority in growth investments within one year of the closing 328
date; 329

(b) Invest fifty per cent of its eligible investment 330
authority in growth investments within two years of the closing 331
date; and 332

(c) Invest one hundred per cent of its eligible investment 333
authority in growth investments within three years of the closing 334
date, including seventy-five per cent of its eligible investment 335
authority in rural business concerns that have their principal 336
business operations in tier two or tier three rural areas, and 337
twenty-five per cent of its eligible investment authority in rural 338
business concerns that have their principal business operations in 339
tier three rural areas. The amount by which a rural business 340
growth fund's growth investments in rural business concerns that 341

have their principal business operations in tier one rural areas 342
exceeds twenty-five per cent of the fund's eligible investment 343
authority shall not count towards the satisfaction of the 344
requirements prescribed by division (A)(2)(c) of this section. 345

(B) The agency shall recapture tax credits claimed under 346
section 122.152 of the Revised Code if any of the following occur 347
with respect to the rural business growth fund: 348

(1) The fund, after investing one hundred per cent of its 349
eligible investment authority in growth investments in this state, 350
fails to maintain that investment until the sixth anniversary of 351
the closing date. For the purposes of this division, an investment 352
is maintained even if the investment is sold or repaid so long as 353
the fund reinvests an amount equal to the capital returned or 354
recovered by the fund from the original investment, exclusive of 355
any profits realized, in other growth investments in this state 356
within one year of the receipt of such capital. 357

(2) The fund makes a distribution or payment after the fund 358
complies with division (G) of section 122.151 of the Revised Code 359
and before the fund decertifies under division (D) of this section 360
that results in the fund having less than one hundred per cent of 361
its eligible investment authority invested in growth investments 362
in this state. 363

(3) The fund makes a growth investment in a rural business 364
concern that directly or indirectly through an affiliate owns, has 365
the right to acquire an ownership interest, makes a loan to, or 366
makes an investment in the fund, an affiliate of the fund, or an 367
investor in the fund. Division (A)(3) of this section does not 368
apply to investments in publicly traded securities by a rural 369
business concern or an owner or affiliate of a rural business 370
concern. 371

Before recapturing one or more tax credits under this 372
 division, the agency shall notify the fund of the reasons for the 373
 pending recapture. If the fund corrects the violations outlined in 374
 the notice to the satisfaction of the agency within thirty days of 375
 the date the notice was dispatched, the agency shall not recapture 376
 the tax credits. 377

~~(C)(1)~~ The amount by which one or more growth investments 378
 by a ~~fund~~ program one rural business growth fund in the same rural 379
 business concern exceeds twenty per cent of the fund's eligible 380
 investment authority shall not be counted as a growth investment 381
 for the purposes of this section. The amount by which one or more 382
growth investments by a program two rural business growth fund in 383
the same business concern exceeds five million dollars shall not 384
be counted as a growth investment for the purposes of this 385
section. A growth investment returned or repaid by a rural 386
business concern to a program one or program two rural business 387
growth fund and then reinvested by the fund in the same rural 388
business concern does not count as an investment in the same rural 389
business concern for the purposes of the limitations prescribed by 390
division (C)(1) of this section. 391

(2) The aggregate amount of growth investments by all rural 392
business growth funds in the same rural business concern, 393
including amounts reinvested in a rural business concern following 394
a returned or repayment of a growth investment, shall not exceed 395
fifteen million dollars. 396

(3) A growth investment in an affiliate of a rural business 397
 concern shall be treated as a growth investment in that rural 398
 business concern for the purposes of ~~this~~ division (C) of this 399
section. 400

(D) If the agency recaptures a tax credit under this section, 401

the agency shall notify the superintendent of insurance of the
recapture. The superintendent shall make an assessment under
Chapter 5725. or 5729. of the Revised Code for the amount of the
credit claimed by each certificate owner associated with the fund
before the recapture was finalized. The time limitations on
assessments under those chapters do not apply to an assessment
under this division, but the superintendent shall make the
assessment within one year after the date the agency notifies the
superintendent of the recapture. Following the recapture of a tax
credit under this section, no tax credit certificate associated
with the fund may be utilized. Notwithstanding division (B) of
section 122.152 of the Revised Code, if a tax credit is recaptured
under this section the agency shall not issue future tax credit
certificates to taxpayers that made credit-eligible capital
contributions to the fund.

(E)(1) On or after the sixth anniversary of the closing date,
a fund that has not committed any of the acts described in
division (B) of this section may apply to the agency to decertify
as a rural business growth fund. The agency shall respond to the
application within sixty days after receiving the application. In
evaluating the application, the fact that no tax credit has been
recaptured with respect to the fund shall be sufficient evidence
to prove that the fund is eligible for decertification. The agency
shall not unreasonably deny an application submitted under this
division.

(2) The agency shall send notice of its determination with
respect to an application submitted under division (E)(1) of this
section to the fund. If the application is denied, the notice
shall include the reason or reasons for the determination.

(3) The agency shall not recapture a tax credit due to any

actions of a fund that occur after the date the fund's application 432
for decertification is approved. Division (E)(3) of this section 433
does not prohibit the agency from recapturing a tax credit due to 434
the actions of a fund that occur before the date the fund's 435
application for decertification is approved, even if those actions 436
are discovered after that date. 437

Sec. 122.154. (A) Each rural business growth fund shall 438
submit a report to the department of development services ~~agency~~ 439
on or before the first day of each March following the end of the 440
calendar year that includes the closing date until the calendar 441
year after the fund has decertified. The report shall provide an 442
itemization of the fund's growth investments and shall include the 443
following documents and information: 444

(1) A bank statement evidencing each growth investment; 445

(2) The name, location, and industry class of each business 446
that received a growth investment from the fund and evidence that 447
the business qualified as a rural business concern at the time the 448
investment was made. If the fund obtained a written opinion from 449
the agency on the business's status as a rural business concern 450
under section 122.156 of the Revised Code, or if the fund makes a 451
written request for such an opinion and the agency failed to 452
respond within thirty days as required by that section, a copy of 453
the agency's favorable opinion or a dated copy of the fund's 454
unanswered request, as applicable, shall be sufficient evidence 455
that the business qualified as a rural business concern at the 456
time the investment was made. 457

(3) The number of employment positions that existed at each 458
business described in division (A)(2) of this section on the date 459
the business received the growth investment; 460

(4) The number of new full-time equivalent employees 461
 resulting from each of the fund's growth investments made or 462
 maintained in the preceding calendar year; 463

(5) Any other information required by the agency. 464

(B) Each fund shall submit a report to the agency on or 465
 before the fifth business day after the first ~~and~~, second, and for 466
program two funds, third anniversaries of the closing date that 467
 provides documentation sufficient to prove that the fund has met 468
 the investment thresholds described in division (A) of section 469
 122.153 of the Revised Code and has not implicated any of the 470
 other recapture provisions described in division (B) of that 471
 section. 472

(C) Each certified rural business growth fund shall pay the 473
 agency an annual fee of twenty thousand dollars. The initial 474
 annual fee required of a fund shall be due and payable to the 475
 agency along with the submission of documentation required under 476
 division (H) of section 122.151 of the Revised Code. Each 477
 subsequent annual fee is due and payable on the last day of 478
 February following the first and each ensuing anniversary of the 479
 closing date. If the fund is required to submit an annual report 480
 under division (A) of this section, the annual fee shall be 481
 submitted along with the report. No fund shall be required to pay 482
 an annual fee after the fund has decertified under section 122.153 483
 of the Revised Code. Annual fees paid to the agency under this 484
 section shall be credited to the tax incentives operating fund 485
 created under section 122.174 of the Revised Code. 486

(D) The director of development ~~services~~, after consultation 487
 with the superintendent of insurance and in accordance with 488
 Chapter 119. of the Revised Code, may adopt rules necessary to 489
 implement sections 122.15 to 122.156 of the Revised Code. 490

Sec. 122.156. A rural business growth fund, before investing 491
in a business, may request a written opinion from the department 492
of development services agency as to whether the business 493
qualifies as a rural business concern based on the criteria 494
prescribed by section 122.15 of the Revised Code. The request 495
shall be submitted in a form prescribed by rule of the agency. The 496
agency shall issue a written opinion to the fund within thirty 497
business days of receiving such a request. Notwithstanding 498
division ~~(H)~~(J) of section 122.15 of the Revised Code, if the 499
agency determines that the business qualifies as a rural business 500
concern or if the agency fails to timely issue the written opinion 501
as required under this section, the business shall be considered a 502
rural business concern for the purposes of sections 122.15 to 503
122.156 of the Revised Code." 504

In line 70831, after "122.041," insert "122.15, 122.151, 505
122.153, 122.154, 122.156," 506

After line 89292, insert: 507

"**Section 757.**____. The Director of Development shall begin 508
accepting applications under section 122.151 of the Revised Code 509
for certification as a program two rural business growth fund not 510
later than thirty days after the effective date of this section." 511

The motion was _____ agreed to.

SYNOPSIS

Rural business growth program 512

R.C. 122.15, 122.151, 122.153, 122.154, and 122.156; Section 513

757. __

514

Increases by \$45 million the amount of tax credits that may 515
be awarded by the Department of Development under the rural 516
business growth program and relaxes the eligibility criteria and 517
investment requirements associated with those tax credits. 518

_____ moved to amend as follows:

1 After line 89426, insert:

2 "The amendment of section 3313.411 of the Revised Code by
3 this act takes effect July 1, 2022."

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Sale of school district property - effective date**

7 **Section 812.10**

8 Changes to July 1, 2022, the effective date of the bill's
9 provision that adds to the definition of an "unused school
10 facility" in the law governing a district's involuntary
11 disposition of such facilities, any school building that has
12 been used for direct academic instruction but less than 60% of
13 the building was used for that purpose in the preceding school
14 year. (R.C. 3313.411, unchanged by the amendment.)

_____ moved to amend as follows:

1 In line 84490, delete "\$23,952,913 \$24,354,677" and
2 insert "\$24,563,453 \$24,761,619"

3 In line 84498, delete "\$34,895,612 \$35,493,396" and
4 insert "\$35,785,072 \$36,086,454"

5 In line 84519, add \$1,500,000 to fiscal year 2022 and
6 \$1,000,000 to fiscal year 2023

7 In line 84546, add \$1,500,000 to fiscal year 2022 and
8 \$1,000,000 to fiscal year 2023

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Higher Education**

12 **Section 381.10**

13 Increases the following GRF appropriation items (for a
14 total increase of \$1,500,000 in FY 2022 and \$1,000,000 in
15 FY 2023):

16 1) 235511, The Ohio State University Extension Service, by
17 \$610,540 in FY 2022 and \$406,942 in FY 2023;

18 2) 235535, Ohio Agricultural Research and Development
19 Center, by \$889,460 in FY 2022 and \$593,058 in FY 2023.

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_____ moved to amend as follows:

In line 38 of the title, after "2929.34," insert "2953.25, 1
2953.31, 2953.33," 2

In line 240, after "2929.34," insert "2953.25, 2953.31, 3
2953.33," 4

After line 21305, insert: 5

"**Sec. 2953.25.** (A) As used in this section: 6

(1) "Collateral sanction" means a penalty, disability, or 7
disadvantage that is related to employment or occupational 8
licensing, however denominated, as a result of the individual's 9
conviction of or plea of guilty to an offense and that applies by 10
operation of law in this state whether or not the penalty, 11
disability, or disadvantage is included in the sentence or 12
judgment imposed. 13

"Collateral sanction" does not include imprisonment, 14
probation, parole, supervised release, forfeiture, restitution, 15
fine, assessment, or costs of prosecution. 16

(2) "Decision-maker" includes, but is not limited to, the 17
state acting through a department, agency, board, commission, or 18
instrumentality established by the law of this state for the 19
exercise of any function of government, a political subdivision, 20

an educational institution, or a government contractor or
subcontractor made subject to this section by contract, law, or
ordinance.

(3) "Department-funded program" means a residential or
nonresidential program that is not a term in a state correctional
institution, that is funded in whole or part by the department of
rehabilitation and correction, and that is imposed as a sanction
for an offense, as part of a sanction that is imposed for an
offense, or as a term or condition of any sanction that is imposed
for an offense.

(4) "Designee" means the person designated by the deputy
director of the division of parole and community services to
perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the
division of parole and community services of the department of
rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws
of this state.

(7) "Political subdivision" has the same meaning as in
section 2969.21 of the Revised Code.

(8) "Discretionary civil impact," "licensing agency," and
"mandatory civil impact" have the same meanings as in section
2961.21 of the Revised Code.

(B)(1) An individual who is subject to one or more collateral
sanctions as a result of being convicted of or pleading guilty to
an offense and who either has served a term in a state
correctional institution for any offense or has spent time in a
department-funded program for any offense may file a petition with
the designee of the deputy director of the division of parole and

community services for a certificate of qualification for 50
employment. 51

(2) An individual who is subject to one or more collateral 52
sanctions as a result of being convicted of or pleading guilty to 53
an offense and who is not in a category described in division 54
(B)(1) of this section may file for a certificate of qualification 55
for employment by doing either of the following: 56

(a) In the case of an individual who resides in this state, 57
filing a petition with the court of common pleas of the county in 58
which the person resides or with the designee of the deputy 59
director of the division of parole and community services; 60

(b) In the case of an individual who resides outside of this 61
state, filing a petition with the court of common pleas of any 62
county in which any conviction or plea of guilty from which the 63
individual seeks relief was entered or with the designee of the 64
deputy director of the division of parole and community services. 65

(3) A petition under division (B)(1) or (2) of this section 66
shall be made on a copy of the form prescribed by the division of 67
parole and community services under division (J) of this section, 68
shall contain all of the information described in division (F) of 69
this section, and, except as provided in division (B)(6) of this 70
section, shall be accompanied by an application fee of fifty 71
dollars. 72

(4)(a) Except as provided in division (B)(4)(b) of this 73
section, an individual may file a petition under division (B)(1) 74
or (2) of this section at any time after the expiration of 75
whichever of the following is applicable: 76

(i) If the offense that resulted in the collateral sanction 77
from which the individual seeks relief is a felony, at any time 78

after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(b) The department of rehabilitation and correction may establish criteria by rule adopted under Chapter 119. of the Revised Code that, if satisfied by an individual, would allow the individual to file a petition before the expiration of six months or one year from the date of final release, whichever is applicable under division (B)(4)(a) of this section.

(5)(a) A designee that receives a petition for a certificate of qualification for employment from an individual under division (B)(1) or (2) of this section shall review the petition to determine whether it is complete. If the petition is complete, the designee shall forward the petition, the application fee, and any other information the designee possesses that relates to the

petition, to the court of common pleas of the county in which the individual resides if the individual submitting the petition resides in this state or, if the individual resides outside of this state, to the court of common pleas of the county in which the conviction or plea of guilty from which the individual seeks relief was entered.

(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B)(2) of this section, or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section. Except as provided in division (B)(6) of this section,

the court shall pay thirty dollars of the application fee into the
state treasury and twenty dollars of the application fee into the
county general revenue fund.

(6) Upon receiving a petition for a certificate of
qualification for employment filed by an individual under division
(B)(1) or (2) of this section, a court of common pleas or the
designee of the deputy director of the division of parole and
community services who receives the petition may waive all or part
of the fifty-dollar filing fee for an applicant who is indigent.
If an application fee is partially waived, the first twenty
dollars of the fee that is collected shall be paid into the county
general revenue fund. Any partial fee collected in excess of
twenty dollars shall be paid into the state treasury.

(C)(1) Upon receiving a petition for a certificate of
qualification for employment filed by an individual under division
(B)(2) of this section or being forwarded a petition for such a
certificate under division (B)(5)(a) of this section, the court
shall review the individual's petition, the individual's criminal
history, except for information contained in any record that has
been sealed under section 2953.32 of the Revised Code, all filings
submitted by the prosecutor or by the victim in accordance with
rules adopted by the division of parole and community services,
the applicant's military service record, if applicable, and
whether the applicant has an emotional, mental, or physical
condition that is traceable to the applicant's military service in
the armed forces of the United States and that was a contributing
factor in the commission of the offense or offenses, and all other
relevant evidence. The court may order any report, investigation,
or disclosure by the individual that the court believes is
necessary for the court to reach a decision on whether to approve
the individual's petition for a certificate of qualification for

employment, except that the court shall not require an individual 170
to disclose information about any record sealed under section 171
2953.32 of the Revised Code. 172

(2) Upon receiving a petition for a certificate of 173
 qualification for employment filed by an individual under division 174
 (B)(2) of this section or being forwarded a petition for such a 175
 certificate under division (B)(5)(a) of this section, except as 176
 otherwise provided in this division, the court shall decide 177
 whether to issue the certificate within sixty days after the court 178
 receives or is forwarded the completed petition and all 179
 information requested for the court to make that decision. Upon 180
 request of the individual who filed the petition, the court may 181
 extend the sixty-day period specified in this division. 182

(3) Except as provided in division (C)(5) of this section and 183
 subject to division (C)(7) of this section, a court that receives 184
 an individual's petition for a certificate of qualification for 185
 employment under division (B)(2) of this section or that is 186
 forwarded a petition for such a certificate under division 187
 (B)(5)(a) of this section may issue a certificate of qualification 188
 for employment, at the court's discretion, if the court finds that 189
 the individual has established all of the following by a 190
 preponderance of the evidence: 191

(a) Granting the petition will materially assist the 192
 individual in obtaining employment or occupational licensing. 193

(b) The individual has a substantial need for the relief 194
 requested in order to live a law-abiding life. 195

(c) Granting the petition would not pose an unreasonable risk 196
 to the safety of the public or any individual. 197

(4) The submission of an incomplete petition by an individual 198
 shall not be grounds for the designee or court to deny the 199

petition. 200

(5) Subject to division (C)(6) of this section, an individual 201
is rebuttably presumed to be eligible for a certificate of 202
qualification for employment if the court that receives the 203
individual's petition under division (B)(2) of this section or 204
that is forwarded a petition under division (B)(5)(a) of this 205
section finds all of the following: 206

(a) The application was filed after the expiration of the 207
applicable waiting period prescribed in division (B)(4) of this 208
section; 209

(b) If the offense that resulted in the collateral sanction 210
from which the individual seeks relief is a felony, at least three 211
years have elapsed since the date of release of the individual 212
from any period of incarceration in a state or local correctional 213
facility that was imposed for that offense and all periods of 214
supervision imposed after release from the period of incarceration 215
or, if the individual was not incarcerated for that offense, at 216
least three years have elapsed since the date of the individual's 217
final release from all other sanctions imposed for that offense; 218

(c) If the offense that resulted in the collateral sanction 219
from which the individual seeks relief is a misdemeanor, at least 220
one year has elapsed since the date of release of the individual 221
from any period of incarceration in a local correctional facility 222
that was imposed for that offense and all periods of supervision 223
imposed after release from the period of incarceration or, if the 224
individual was not incarcerated for that offense, at least one 225
year has elapsed since the date of the final release of the 226
individual from all sanctions imposed for that offense including 227
any period of supervision. 228

(6) An application that meets all of the requirements for the 229

presumption under division (C)(5) of this section shall be denied 230
 only if the court that receives the petition finds that the 231
 evidence reviewed under division (C)(1) of this section rebuts the 232
 presumption of eligibility for issuance by establishing, by clear 233
 and convincing evidence, that the applicant has not been 234
 rehabilitated. 235

(7) A certificate of qualification for employment shall not 236
 create relief from any of the following collateral sanctions: 237

(a) Requirements imposed by Chapter 2950. of the Revised Code 238
 and rules adopted under sections 2950.13 and 2950.132 of the 239
 Revised Code; 240

(b) A driver's license, commercial driver's license, or 241
 probationary license suspension, cancellation, or revocation 242
 pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 243
 Revised Code if the relief sought is available pursuant to section 244
 4510.021 or division (B) of section 4510.13 of the Revised Code; 245

(c) Restrictions on employment as a prosecutor or law 246
 enforcement officer; 247

(d) The denial, ineligibility, or automatic suspension of a 248
 license that is imposed upon an individual applying for or holding 249
 a license as a health care professional under Title XLVII of the 250
 Revised Code if the individual is convicted of, pleads guilty to, 251
 is subject to a judicial finding of eligibility for intervention 252
 in lieu of conviction in this state under section 2951.041 of the 253
 Revised Code, or is subject to treatment or intervention in lieu 254
 of conviction for a violation of section 2903.01, 2903.02, 255
 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 256
 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code; 257

(e) The immediate suspension of a license, certificate, or 258

evidence of registration that is imposed upon an individual 259
holding a license as a health care professional under Title XLVII 260
of the Revised Code pursuant to division (C) of section 3719.121 261
of the Revised Code; 262

(f) The denial or ineligibility for employment in a pain 263
clinic under division (B)(4) of section 4729.552 of the Revised 264
Code; 265

(g) The mandatory suspension of a license that is imposed on 266
an individual applying for or holding a license as a health care 267
professional under Title XLVII of the Revised Code pursuant to 268
section 3123.43 of the Revised Code. 269

(8) If a court that receives an individual's petition for a 270
certificate of qualification for employment under division (B)(2) 271
of this section or that is forwarded a petition for such a 272
certificate under division (B)(5)(a) of this section denies the 273
petition, the court shall provide written notice to the individual 274
of the court's denial. The court may place conditions on the 275
individual regarding the individual's filing of any subsequent 276
petition for a certificate of qualification for employment. The 277
written notice must notify the individual of any conditions placed 278
on the individual's filing of a subsequent petition for a 279
certificate of qualification for employment. 280

If a court of common pleas that receives an individual's 281
petition for a certificate of qualification for employment under 282
division (B)(2) of this section or that is forwarded a petition 283
for such a certificate under division (B)(5)(a) of this section 284
denies the petition, the individual may appeal the decision to the 285
court of appeals only if the individual alleges that the denial 286
was an abuse of discretion on the part of the court of common 287
pleas. 288

(D)(1) A certificate of qualification for employment issued 289
to an individual lifts the automatic bar of a collateral sanction, 290
and a decision-maker shall consider on a case-by-case basis 291
whether to grant or deny the issuance or restoration of an 292
occupational license or an employment opportunity, notwithstanding 293
the individual's possession of the certificate, without, however, 294
reconsidering or rejecting any finding made by a designee or court 295
under division (C)(3) of this section. 296

(2) The certificate constitutes a rebuttable presumption that 297
the person's criminal convictions are insufficient evidence that 298
the person is unfit for the license, employment opportunity, or 299
certification in question. Notwithstanding the presumption 300
established under this division, the agency may deny the license 301
or certification for the person if it determines that the person 302
is unfit for issuance of the license. 303

(3) If an employer that has hired a person who has been 304
issued a certificate of qualification for employment applies to a 305
licensing agency for a license or certification and the person has 306
a conviction or guilty plea that otherwise would bar the person's 307
employment with the employer or licensure for the employer because 308
of a mandatory civil impact, the agency shall give the person 309
individualized consideration, notwithstanding the mandatory civil 310
impact, the mandatory civil impact shall be considered for all 311
purposes to be a discretionary civil impact, and the certificate 312
constitutes a rebuttable presumption that the person's criminal 313
convictions are insufficient evidence that the person is unfit for 314
the employment, or that the employer is unfit for the license or 315
certification, in question. 316

(E) A certificate of qualification for employment does not 317
grant the individual to whom the certificate was issued relief 318

from the mandatory civil impacts identified in division (A)(1) of 319
section 2961.01 or division (B) of section 2961.02 of the Revised 320
Code. 321

(F) A petition for a certificate of qualification for 322
employment filed by an individual under division (B)(1) or (2) of 323
this section shall include all of the following: 324

(1) The individual's name, date of birth, and social security 325
number; 326

(2) All aliases of the individual and all social security 327
numbers associated with those aliases; 328

(3) The individual's residence address, including the city, 329
county, and state of residence and zip code; 330

(4) The length of time that the individual has resided in the 331
individual's current state of residence, expressed in years and 332
months of residence; 333

(5) A general statement as to why the individual has filed 334
the petition and how the certificate of qualification for 335
employment would assist the individual; 336

(6) A summary of the individual's criminal history, except 337
for information contained in any record that has been sealed under 338
section 2953.32 of the Revised Code, with respect to each offense 339
that is a disqualification from employment or licensing in an 340
occupation or profession, including the years of each conviction 341
or plea of guilty for each of those offenses; 342

(7) A summary of the individual's employment history, 343
specifying the name of, and dates of employment with, each 344
employer; 345

(8) Verifiable references and endorsements; 346

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;

(11) Any other information required by rule by the department of rehabilitation and correction.

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person

having hiring and firing responsibility for the employer had 377
actual knowledge that the employee was dangerous or had been 378
convicted of or pleaded guilty to the felony and was willful in 379
retaining the individual as an employee after the demonstration of 380
dangerousness or the conviction or guilty plea of which the person 381
has actual knowledge. 382

(H) A certificate of qualification for employment issued 383
under this section shall be revoked if the individual to whom the 384
certificate of qualification for employment was issued is 385
convicted of or pleads guilty to a felony offense committed 386
subsequent to the issuance of the certificate of qualification for 387
employment. The department of rehabilitation and correction shall 388
periodically review the certificates listed in the database 389
described in division (K) of this section to identify those that 390
are subject to revocation under this division. Upon identifying a 391
certificate of qualification for employment that is subject to 392
revocation, the department shall note in the database that the 393
certificate has been revoked, the reason for revocation, and the 394
effective date of revocation, which shall be the date of the 395
conviction or plea of guilty subsequent to the issuance of the 396
certificate. 397

(I) A designee's forwarding, or failure to forward, a 398
petition for a certificate of qualification for employment to a 399
court or a court's issuance, or failure to issue, a petition for a 400
certificate of qualification for employment to an individual under 401
division (B) of this section does not give rise to a claim for 402
damages against the department of rehabilitation and correction or 403
court. 404

(J) The division of parole and community services shall adopt 405
rules in accordance with Chapter 119. of the Revised Code for the 406

implementation and administration of this section and shall 407
prescribe the form for the petition to be used under division 408
(B)(1) or (2) of this section. The form for the petition shall 409
include places for all of the information specified in division 410
(F) of this section. 411

(K) The department of rehabilitation and correction shall 412
maintain a database that identifies granted certificates and 413
revoked certificates and tracks the number of certificates granted 414
and revoked, the industries, occupations, and professions with 415
respect to which the certificates have been most applicable, and 416
the types of employers that have accepted the certificates. The 417
department shall annually create a report that summarizes the 418
information maintained in the database and shall make the report 419
available to the public on its internet web site. 420

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 421
Revised Code: 422

(A)(1) "Eligible offender" means either of the following: 423

(a) Anyone who has been convicted of one or more offenses in 424
this state or any other jurisdiction, if all of the offenses in 425
this state are felonies of the fourth or fifth degree or 426
misdemeanors and none of those offenses are an offense of violence 427
or a felony sex offense and all of the offenses in another 428
jurisdiction, if committed in this state, would be felonies of the 429
fourth or fifth degree or misdemeanors and none of those offenses 430
would be an offense of violence or a felony sex offense; 431

(b) Anyone who has been convicted of an offense in this state 432
or any other jurisdiction, to whom division (A)(1)(a) of this 433
section does not apply, and who has not more than two felony 434
convictions, has not more than four misdemeanor convictions, or, 435

if the person has exactly two felony convictions, has not more
than those two felony convictions and two misdemeanor convictions
in this state or any other jurisdiction. The conviction that is
requested to be sealed shall be a conviction that is eligible for
sealing as provided in section 2953.36 of the Revised Code. When
two or more convictions result from or are connected with the same
act or result from offenses committed at the same time, they shall
be counted as one conviction. When two or three convictions result
from the same indictment, information, or complaint, from the same
plea of guilty, or from the same official proceeding, and result
from related criminal acts that were committed within a
three-month period but do not result from the same act or from
offenses committed at the same time, they shall be counted as one
conviction, provided that a court may decide as provided in
division (C)(1)(a) of section 2953.32 of the Revised Code that it
is not in the public interest for the two or three convictions to
be counted as one conviction.

(2) For purposes of, and except as otherwise provided in,
division (A)(1)(b) of this section, a conviction for a minor
misdemeanor, for a violation of any section in Chapter 4507.,
4510., 4511., 4513., or 4549. of the Revised Code, or for a
violation of a municipal ordinance that is substantially similar
to any section in those chapters is not a conviction. However, a
conviction for a violation of section 4511.19, 4511.251, 4549.02,
4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to
4549.46 of the Revised Code, for a violation of section 4510.11 or
4510.14 of the Revised Code that is based upon the offender's
operation of a vehicle during a suspension imposed under section
4511.191 or 4511.196 of the Revised Code, for a violation of a
substantially equivalent municipal ordinance, for a felony
violation of Title XLV of the Revised Code, or for a violation of

a substantially equivalent former law of this state or former
municipal ordinance shall be considered a conviction.

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(B) "Prosecutor" means the county prosecuting attorney, city
director of law, village solicitor, or similar chief legal
officer, who has the authority to prosecute a criminal case in the
court in which the case is filed.

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(C) "Bail forfeiture" means the forfeiture of bail by a
defendant who is arrested for the commission of a misdemeanor,
other than a defendant in a traffic case as defined in Traffic
Rule 2, if the forfeiture is pursuant to an agreement with the
court and prosecutor in the case.

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(D) "Official records" has the same meaning as in division
(D) of section 2953.51 of the Revised Code, except that it also
includes all records that are possessed by any public office or
agency that relate to an application for, or the issuance or
denial of, a certificate of qualification for employment under
section 2953.25 of the Revised Code.

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(E) "Official proceeding" has the same meaning as in section
2921.01 of the Revised Code.

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

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(G) "Post-release control" and "post-release control
sanction" have the same meanings as in section 2967.01 of the
Revised Code.

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(H) "DNA database," "DNA record," and "law enforcement
agency" have the same meanings as in section 109.573 of the
Revised Code.

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(I) "Fingerprints filed for record" means any fingerprints
obtained by the superintendent of the bureau of criminal

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identification and investigation pursuant to sections 109.57 and 496
109.571 of the Revised Code. 497

Sec. 2953.33. (A) An order issued under section 2953.37 of 498
the Revised Code to expunge the record of a person's conviction 499
or, except as provided in division (G) of section 2953.32 of the 500
Revised Code, an order issued under that section to seal the 501
record of a person's conviction restores the person who is the 502
subject of the order to all rights and privileges not otherwise 503
restored by termination of the sentence or community control 504
sanction or by final release on parole or post-release control. 505

(B)(1) In any application for employment, license, or other 506
right or privilege, any appearance as a witness, or any other 507
inquiry, except as provided in division (E) of section 2953.32 and 508
in section 3319.292 of the Revised Code and subject to division 509
~~(B)(2)~~(B)(3) of this section, a person may be questioned only with 510
respect to convictions not sealed, bail forfeitures not expunged 511
under section 2953.42 of the Revised Code as it existed prior to 512
June 29, 1988, and bail forfeitures not sealed, unless the 513
question bears a direct and substantial relationship to the 514
position for which the person is being considered. 515

(2) In any application for a certificate of qualification for 516
employment under section 2953.25 of the Revised Code, a person may 517
be questioned only with respect to convictions not sealed and bail 518
forfeitures not sealed. 519

(3) A person may not be questioned in any application, 520
appearance, or inquiry of a type described in division (B)(1) of 521
this section with respect to any conviction expunged under section 522
2953.37 of the Revised Code." 523

In line 70854, after "2929.34," insert "2953.25, 2953.31, 524

2953.33, "

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The motion was _____ agreed to.

SYNOPSIS

Sealed records; certificate of qualification for employment 526

R.C. 2953.25, 2953.31, and 2953.33 527

Specifies that if a criminal record is sealed, all of the 528
following apply with regard to a certificate of qualification for 529
employment: 530

- When a criminal record is sealed, records related to a 531
certificate of qualification for employment are also sealed. 532

-When submitting a petition for a certificate of 533
qualification for employment, an individual does not have to 534
include or disclose information contained in a sealed record. 535

-When considering a petition for a certificate of 536
qualification for employment, a court may not review information 537
contained in a sealed record. 538

-In any petition for a certificate of qualification for 539
employment, an individual may not be questioned about information 540
contained in a sealed record. 541

_____ moved to amend as follows:

1 In line 155 of the title, after "341.121," insert "940.39,"

2 In line 167 of the title, delete "and"; after "5751.42"
3 insert ", and 6133.041"

4 In line 70918, after "341.121," insert "940.39,"

5 In line 70926, delete "and"; after "5751.42" insert ", and
6 6133.041"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Elimination of drainage improvement virtual meetings**

10 **R.C. 940.39 and 6133.041 (both repealed)**

11 Eliminates the authority for the following entities to
12 conduct drainage improvement meetings by video conference or, if
13 video conference is not available, by teleconference:

14 1. A board of supervisors of a soil and water conservation
15 district; and

16 2. A joint board of county commissioners.

Sub. H.B. 110
L-134-0001-5
EDUCD181

_____ moved to amend as follows:

Delete lines 24274 through 24364 and insert: 1

"Sec. 3302.103. (A) This section applies to any school 2
district that meets one of the following conditions: 3

(1) An academic distress commission was established for the 4
district in 2013 by the superintendent of public instruction under 5
former section 3302.10 of the Revised Code, as it existed prior to 6
October 15, 2015, and a new academic distress commission was 7
established for the district by the state superintendent under 8
division (A)(2) of section 3302.10 of the Revised Code. 9

(2) An academic distress commission was established for the 10
district in 2010 by the state superintendent under former section 11
3302.10 of the Revised Code, as it existed prior to October 15, 12
2015, and a new academic distress commission was established for 13
the district under division (A)(2) of section 3302.10 of the 14
Revised Code. 15

(3) An academic distress commission was established for the 16
district by the state superintendent in 2018 under division (A)(1) 17
of section 3302.10 of the Revised Code. 18

(B) The auditor of state shall complete a performance audit 19

of a school district to which this section applies one time during
the three-year period of the plan implemented under division
(D)(2) of this section and submit the results of the audit to the
board of education of the school district and the academic
distress commission established for the district. The performance
audit shall be conducted in the same manner as prescribed by
section 3316.042 of the Revised Code.

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(C) Notwithstanding anything to the contrary in the Revised
Code, not later than ninety days after the effective date of this
section, the district board of a school district to which this
section applies, in consultation with the appropriate
stakeholders, the academic distress commission, and the chief
executive officer appointed by that commission under section
3302.10 of the Revised Code, shall develop and submit an academic
improvement plan for the district to the state superintendent.

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The plan developed under division (C) of this section shall
operate for a period of three school years and shall include
annual and overall academic improvement benchmarks for the
district and strategies for achieving those benchmarks.

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(D)(1) The state superintendent shall review the plan
submitted under division (C) of this section. Not later than
thirty days after receiving the plan for review, the state
superintendent shall approve the plan or suggest modifications to
the plan. If the state superintendent suggests modifications, the
district board shall revise the plan and resubmit it within
fifteen days after receiving the suggested modifications. The
state superintendent shall review and approve the plan within
thirty days after receiving it.

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(2) Upon approval of the plan by the state superintendent,
the district board may begin to prepare to implement the plan,

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which shall be in effect from July 1, 2022, to June 30, 2025. The district's academic distress commission and chief executive officer shall work with the district in preparing to implement the plan.

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(3) If the district board determines it necessary, it may submit a request to the state superintendent to modify the improvement plan during the period of time specified in division (D)(2) of this section. The improvement plan shall not be modified without the state superintendent's approval.

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(E) During the school years that the district is implementing the plan approved by the state superintendent, the following apply:

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(1) The district shall not be subject to section 3302.10 of the Revised Code.

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(2) The district board shall reassume all powers granted to it under the Revised Code.

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(3) The district's academic distress commission shall continue to exist and provide assistance to the district but shall not have any operational or managerial control of the district.

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(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

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The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the

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individual's chief executive officer contract until the district
meets either of the conditions prescribed in division (F)(1)(b) or
(F)(2) of this section. In either event, the district board shall
begin compensating the individual under the terms of the district
board's employment contract with the individual for district
superintendent.

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(5) The district board shall provide annual reports to the
state board of education on the district's progress toward
achieving the academic benchmarks established in the district's
improvement plan.

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(F) At the end of three school years under the plan, the
district shall be evaluated by the state board based on the
academic improvement benchmarks established in the plan.

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(1)(a) If the district improves but does not meet at least a
majority of the academic improvement benchmarks established in the
improvement plan, the district board may apply to the state
superintendent for an extension of one school year to continue
implementing the plan, pending approval by the state
superintendent. If the district does not meet at least a majority
of the established benchmarks at the end of the extension, the
district again may apply to the state superintendent for an
extension of one school year to continue implementing the plan.
The district shall not apply for an extension more than twice.

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(b) If the district does not meet at least a majority of the
academic improvement benchmarks at the end of five school years
under the plan or if the state superintendent does not approve a
district's application for an extension submitted under division
(F)(1)(a) of this section, the district shall be subject to
section 3302.10 of the Revised Code. The academic distress
commission shall appoint a new chief executive officer for the

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district as prescribed in division (C) of that section, and the 109
chief executive officer shall reassume the powers that were being 110
exercised under that section prior to July 1, 2022. 111

(2) If the district meets at least a majority of the academic 112
improvement benchmarks established in its improvement plan at the 113
end of the initial evaluation or, if applicable, after an 114
extension granted by the state superintendent under division 115
(F)(1)(a) of this section, the academic distress commission shall 116
be dissolved, and the district board shall continue exercising all 117
powers granted to it under the Revised Code." 118

The motion was _____ agreed to.

SYNOPSIS

Academic distress commissions 119

R.C. 3302.103(A) 120

Revises the substitute bill's provision establishing a 121
process by which certain school districts subject to an academic 122
distress commission (ADC) may be relieved from the oversight of 123
its ADC prior to meeting the conditions prescribed by continuing 124
law, so that it applies to all districts currently with an ADC, 125
Lorain, East Cleveland, and Youngstown rather than just Lorain as 126
under the substitute bill. 127

R.C. 3302.103(B) 128

Requires the Auditor of State to complete an audit of a 129
school district to which the bill applies one time between July 1, 130
2022, and June 30, 2025, rather than within 60 days after the 131
bill's effective date as under the substitute bill. 132

R.C. 3302.103(D) 133

Requires the Superintendent of Public Instruction, rather 134
 than the State Board of Education as under the substitute bill, to 135
 approve an improvement plan submitted by a school district and any 136
 modifications to it during the three-year implementation period. 137

Revises the schedule by which a district's improvement plan 138
 must be submitted and approved but does not change the 139
 implementation date of an approved plan. 140

R.C. 3302.103(E) 141

Removes the chief executive officer (CEO) appointed by the 142
 ADC while a school district is implementing its approved academic 143
 improvement plan. 144

Permits a district board of education of a school district to 145
 which the bill applies to employ as superintendent the individual 146
 that previously held the CEO position. 147

Requires the Department of Education, if the district board 148
 enters into a contract to employ the former CEO as superintendent 149
 while the district is implementing the academic improvement plan, 150
 to continue providing compensation under the terms of the 151
 individual's CEO contract until the district either again becomes 152
 subject to its ADC or its ADC is dissolved. 153

Requires the district's ADC to appoint a new CEO if the 154
 district again becomes subject to its ADC. 155

R.C. 3302.103(F) 156

Permits a district board to apply to the state 157
 Superintendent, rather than the State Board as under the 158
 substitute bill, for a one-year extension to continue implementing 159
 the district's academic improvement plan. 160

_____ moved to amend as follows:

1 In line 27395, reinsert "Attaining" and delete the balance
2 of the line

3 In line 27396, delete "government end-of-course
4 examinations, attaining"

5 In line 27397, reinsert "appropriate"

6 Delete lines 27398 through 27400

7 In line 27401, delete "(ii) Appropriate"

8 Reinsert line 27403

9 In line 27404, reinsert everything before the period

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Citizenship diploma seal and course grades**

13 **R.C. 3313.6114**

14 Removes a provision of the bill that permits a student to
15 earn the Citizenship diploma seal, to help qualify for a high
16 school diploma, by attaining a "B" or higher in an American
17 history course and an American government course offered by the
18 student's high school.

_____ moved to amend as follows:

1 In line 27435, reinsert "Attaining" and delete the balance
2 of the line

3 In line 27436, delete "examination, attaining"

4 In line 27437, reinsert "an"; delete "either:"

5 Delete lines 27438 through 27440

6 In line 27441, delete "(ii) An"

7 In line 27443, reinsert everything before the period

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Science diploma seal and course grades**

11 **R.C. 3313.6114**

12 Eliminates a provision of the substitute bill that permits
13 a student to earn the Science diploma seal to help qualify for a
14 high school diploma by attaining a "B" or higher in a certain
15 science course offered by the student's high school.

16 (Maintains provisions of the substitute bill that permit a
17 student to earn a Science diploma seal if that student is:

18 (1) A student with significant cognitive disabilities who
19 attains a score established by the State Board of Education on
20 the alternate assessment in science; or

SC4111

21 (2) A qualifying transfer student who attained a final
22 grade of "B" or higher in a course that corresponds with the
23 science end-of-course examination at the student's prior
24 school.)

_____ moved to amend as follows:

1 In line 20767, strike through "the offender" and insert an
2 underlined comma; strike through "of the" and insert "a prison
3 term is imposed for a technical"; after "violation" insert ",
4 the offender"

5 In line 20768, after the first "a" insert "residential";
6 strike through "as part of a"; delete "reserved"

7 In line 20769, strike through "prison sentence, it" and
8 insert "imposed under section 2929.16 of the Revised Code, the
9 time spent serving the residential community control sanction"

10 Strike through line 20770

11 In line 20771, strike through "the violation and against
12 the"

13 In line 20772, after "that" insert "residential"

14 In line 20777, after "the" insert "residential"

15 In line 20778, after "the" insert "residential"

16 The motion was _____ agreed to.

17

SYNOPSIS

18

Prison term as sanction for community control violation

19

R.C. 2929.15

20 In a provision of existing law that requires the crediting
21 of time that a convicted felon who is sentenced to a prison term
22 as a penalty for a technical violation of the conditions of the
23 felon's community control sanction spends in prison under the
24 term imposed as the penalty, and that the bill currently amends,
25 further modifies the provision so that it specifies that:

26 1. If, at the time the prison term is imposed for the
27 technical violation, the offender was serving a *residential*
28 community control sanction under the Felony Sentencing Law, the
29 time spent serving the *residential* community control sanction
30 must be credited against the offender's reserved prison
31 sentence, and the remaining time under that *residential*
32 community control sanction and under the reserved prison
33 sentence must be reduced by the time that the offender spends in
34 prison under the prison term (the bill currently applies the
35 provision to offenders serving any community control sanction as
36 part of a reserved prison sentence, and specifies that the time
37 spent in prison must be credited against the community control
38 sanction being served at the time of the violation and against
39 the reserved prison sentence); and

40 2. By determination of the court, the offender upon release
41 from the prison term either must continue serving the remaining
42 time under the *residential* community control sanction, reduced
43 as described above, or must have the *residential* community
44 control sanction terminated (the bill currently does not limit
45 the application of the provision to *residential* sanctions).

_____ moved to amend as follows:

1 In line 86796, delete "or any other act"

2 In line 86798, after "Claims" delete the balance of the
3 line

4 In line 86799, delete "court of competent jurisdiction"

5 In line 86804, after the period delete the balance of the
6 line

7 Delete lines 86805 through 86815

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Office of Budget and Management**

11 **Section 503.20**

12 Replaces a provision in the bill that permits the use of
13 certain appropriations in H.B. 110 or any other act to be used
14 to satisfy judgments, settlements, and administrative awards
15 ordered or approved by the Court of Claims or by any other court
16 of competent jurisdiction with a provision that instead
17 (1) limits this authorization only to appropriations in
18 H.B. 110, (2) removes language that includes appropriations for
19 obligations where judgements or awards are for capital costs
20 related to those appropriations, and (3) specifies that the
21 Court of Claims is the sole court of jurisdiction for
22 determining judgements or awards in connection with legal action
23 against the state.

_____ moved to amend as follows:

1 In line 19 of the title, delete "183.18,"

2 In line 226, delete "183.18,"

3 Delete lines 11447 through 11469

4 In line 70840, delete "183.18,"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Disposition of financial gifts to support public health**

8 **R.C. 183.18**

9 Removes from the bill a provision allowing the Director of
10 Budget and Management to credit to the Ohio's Public Health
11 Priorities Fund any financial gifts made to the state to support
12 public health.

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_____ moved to amend as follows:

In line 38 of the title, after "2746.04," insert "2915.092," 1

In line 240, after "2746.04," insert "2915.092," 2

After 20442, insert: 3

"**Sec. 2915.092.** (A)(1) Subject to division (A)(2) of this 4
section, ~~a charitable organization, a public school, a chartered 5~~
~~nonpublic school, a community school, or a veteran's organization,~~ 6
~~fraternal organization, or sporting organization~~ a person or entity 7
that is exempt from federal income taxation under subsection 8
501(a) and is described in subsection 501(c)(3), 501(c)(4), 9
501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the 10
Internal Revenue Code may conduct a raffle to raise money for the 11
~~organization or school~~ person or entity and does not need a license 12
to conduct bingo in order to conduct a raffle drawing that is not 13
for profit. 14

(2) If ~~a charitable organization~~ a person or entity that is 15
described in division (A)(1) of this section, but that is not also 16
described in subsection 501(c)(3) of the Internal Revenue Code, 17
conducts a raffle, the ~~charitable organization~~ person or entity 18
shall distribute at least fifty per cent of the net profit from 19
the raffle to a charitable purpose described in division (V) of 20

section 2915.01 of the Revised Code or to a department or agency 21
of the federal government, the state, or any political 22
subdivision. 23

(B) Except as provided in division (A) or (B) of this 24
section, no person shall conduct a raffle drawing that is for 25
profit or a raffle drawing that is not for profit. 26

(C) Whoever violates division (B) of this section is guilty 27
of illegal conduct of a raffle. Except as otherwise provided in 28
this division, illegal conduct of a raffle is a misdemeanor of the 29
first degree. If the offender previously has been convicted of a 30
violation of division (B) of this section, illegal conduct of a 31
raffle is a felony of the fifth degree." 32

In line 70854, after "2746.04," insert "2915.092," 33

The motion was _____ agreed to.

SYNOPSIS

Raffles 34

R.C. 2915.092 35

Allows a nonprofit organization that is tax exempt under 36
subsection 501(c)(6) of the Internal Revenue Code (a business 37
league, chamber of commerce, real estate board, board of trade, or 38
professional football league) to conduct a raffle that is not for 39
profit. 40

Requires such an organization to distribute at least 50% of 41
the net profit from the raffle to a charitable purpose or to a 42
government agency. 43

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_____ moved to amend as follows:

In line 4 of the title, after "111.16," insert "111.27," 1

In line 146 of the title, after "3375.011," insert 2
"3501.054," 3

In line 154 of the title, after "109.802," insert "111.29," 4

In line 214, after "111.16," insert "111.27," 5

In line 320, after "3375.011," insert "3501.054," 6

After line 2574, insert: 7

"**Sec. 111.27.** There is hereby established in the state 8
treasury the board of elections reimbursement and education fund. 9
The fund shall be used by the secretary of state to reimburse 10
boards of elections ~~for various purposes, including reimbursements~~ 11
~~made under~~ pursuant to sections 3513.301, 3513.312, 3515.071, and 12
3521.03 of the Revised Code, and to provide training and 13
educational programs for members and employees of boards of 14
elections. The fund shall receive transfers of cash pursuant to 15
controlling board action ~~and also shall receive revenues from~~ 16
~~fees, gifts, grants, donations, and other similar receipts.~~" 17

After line 38864, insert: 18

"**Sec. 3501.054.** (A) As used in this section, "public 19

official" means any elected or appointed officer, employee, or 20
agent of the state or any political subdivision, board, 21
commission, bureau, or other public body established by law. 22

(B) No public official that is responsible for administering 23
or conducting an election in this state shall collaborate with, or 24
solicit, accept, expend, or use any monetary gift, grant, or 25
donation from, a nongovernmental person or entity for any costs or 26
activities related to voter registration, voter education, voter 27
identification, get-out-the-vote, absent voting, election official 28
recruitment or training, or any other election-related purpose." 29

In line 70828, after "111.16," insert "111.27," 30

In line 70916, after "109.802," insert "111.29," 31

After line 87300, insert: 32

"**Section 516.20.** ABOLISHMENT OF CITIZENS EDUCATION FUND 33

(A) On July 1, 2021, or as soon as possible thereafter, the 34
Secretary of State shall certify to the Director of Budget and 35
Management the cash balance of, and existing encumbrances against, 36
the Citizens Education Fund (Fund 4140). The Secretary of State 37
shall specify the sources of revenue that make up the remaining 38
cash balance in the fund. 39

(B) Upon receipt of the certification required in division 40
(A) of this section, the Director of Budget and Management shall 41
(1) cancel any existing encumbrances against Fund 4140 42
appropriation item 050602, Citizen Education Fund and (2) return 43
the remaining amounts in Fund 4140 to their original sources as 44
identified by the Secretary of State in division (A) of this 45
section. Upon the cancellation of encumbrances and the return of 46
the cash in the fund to the original sources, Fund 4140 is hereby 47
abolished." 48

The motion was _____ agreed to.

SYNOPSIS

Secretary of State funding	49
R.C. 111.27 and 3501.054; repeal of R.C. 111.29	50
Prohibits a public official responsible for administering or	51
conducting an election from collaborating with or soliciting,	52
accepting, expending, or using any monetary gift, grant, or	53
donation from a nongovernmental person or entity for any costs or	54
activities related to voter registration, voter education, voter	55
identification, get-out-the-vote, absent voting, election official	56
recruitment or training, or any other election-related purpose.	57
Prohibits the board of elections Reimbursement and Education	58
Fund from receiving revenues from fees, gifts, grants, or	59
donations.	60
Abolishment of the Citizens Education Fund and return of cash	61
Section 516.20	62
On July 1, 2021, or as soon as possible thereafter, requires	63
the Secretary of State to certify to the Director of Budget and	64
Management the cash balance of, and current existing encumbrances	65
against, the Citizens Education Fund (Fund 4140). Requires the	66
Secretary of State to specify the sources of revenue that make up	67
the remaining cash balance in the fund.	68
Requires the Director of Budget and Management to (1) cancel	69
any existing encumbrances against Fund 4140 appropriation item	70
050602, Citizen Education Fund, and (2) return the remaining cash	71

balance in the fund to the original revenue source as certified by	72
the Secretary of State.	73
Abolishes Fund 4140 upon completion of the cancellation of	74
encumbrances and return of cash.	75

_____ moved to amend as follows:

1 In line 141 of the title, after "3313.6412," insert
2 "3313.905,"

3 In line 316, after "3313.6412," insert "3313.905,"

4 After line 27851, insert:

5 "Sec. 3313.905. (A) Southern state community college shall
6 establish and maintain, for a period of five years, the Ohio
7 code-scholar pilot program to address technical workforce needs.

8 (B) Not later than July 31, 2021, southern state community
9 college shall appoint a program coordinator who shall be
10 responsible for all of the following, as well as any other
11 responsibilities as determined by the southern state community
12 college board of trustees:

13 (1) Form a coalition and act as the liaison between
14 southern state community college and the coalition to develop
15 the pilot program.

16 The coalition shall include members from the following:

17 (a) The department of education;

18 (b) Educators in grades kindergarten through twelve;

19 (c) Career technical education staff;

20 (d) Educational service center staff;

21 (e) Representatives of post-secondary institutions in the
22 areas in which the pilot program is operating;

23 (f) Federally and state-funded research organizations, as
24 determined by the southern state community college board of
25 trustees and the program coordinator;

26 (g) Local businesses in the areas in which the pilot
27 program is operating, as determined by the southern state
28 community college board of trustees and the program coordinator.

29 (2) In collaboration with the coalition, as described in
30 division (B)(1) of this section, develop a curriculum for grades
31 seven through twelve to be utilized by the pilot program that
32 focuses on industry standards in the field of computer sciences,
33 including coding, and is divided as follows:

34 (a) For grades seven and eight, a focus on career
35 exploration, career readiness initiatives, and an introduction
36 to coding and computer sciences;

37 (b) For grades nine through twelve, a focus on intermediate
38 and advanced coding, computer sciences, and the potential for
39 industry level credentialing.

40 (3) Submit an annual report to southern state community
41 college regarding the progress and implementation of the pilot
42 program;

43 (4) Determine the manner in which the pilot program shall
44 recruit school districts and other participants for the fall of
45 2021 from the following counties:

46 (a) Southern Ohio, specifically, Fayette, Clinton, Adams,
47 and Highland counties;

48 (b) Brown county;

49 (c) Pike county.

50 (5) Develop a structured timeline by which the pilot
51 program shall operate over the five-year period, with full
52 administration beginning in the fall of 2022;

53 (6) Determine the manner in which to incorporate the
54 college credit plus program as established under Chapter 3365.
55 of the Revised Code within the pilot program;

56 (7) In collaboration with the designated department,
57 advisor, and instructor, as appointed by southern state
58 community college, develop a system for the articulation of
59 credits earned under the pilot program and align them into a
60 for-credit program at southern state community college;

61 (8) Act as fiscal operator of the pilot program.

62 (C) Upon completion of the pilot program, southern state
63 community college, in collaboration with the program
64 coordinator, shall submit a full report and any legislative
65 recommendations to the General Assembly, in accordance with

66 section 101.68 of the Revised Code, regarding the outcomes of
67 the pilot program."

68 In line 77039, delete "\$9,650,892 \$9,650,892" and insert
69 "\$9,890,892 \$9,890,892"

70 In line 77047, add \$240,000 to each fiscal year

71 In line 77099, add \$240,000 to each fiscal year

72 After line 77848, insert:

73 "Of the foregoing appropriation item 200545, Career-
74 Technical Education Enhancements, up to \$240,000 in each fiscal
75 year shall be used to support the Ohio Code-Scholar Pilot
76 Program created in section 3313.905 of the Revised Code."

77 In line 89432, after "3302.103," insert "3313.905,"

78 The motion was _____ agreed to.

79 SYNOPSIS

80 **Ohio Code-Scholar Pilot Program**

81 **R.C. 3313.905**

82 Requires Southern State Community College (SSCC) to
83 establish and maintain the Ohio Code-Scholar Pilot Program to
84 support technical workforce needs, to operate for a period of
85 five years, beginning on the bill's immediate effective date.

86 Specifies that by July 31, 2021, SSCC shall appoint a
87 program coordinator who shall oversee the pilot program and is
88 responsible for all of the following:

- 89 1) Forming a coalition and acting as the liaison between
90 SSCC and the coalition to develop the pilot program;

- 91 2) Collaborating with the coalition to develop a curriculum
92 for grades seven through twelve for the pilot program
93 that focuses on industry standards in the field of
94 computer sciences, including coding;
- 95 3) Submitting an annual report to SSCC regarding the
96 progress and implementation of the pilot program;
- 97 4) Determining the manner in which the pilot program shall
98 recruit school districts and other participants from
99 eligible counties for the fall of 2021;
- 100 5) Developing a structured timeline by which the pilot
101 program shall operate over the five-year period, with
102 full administration beginning in the fall of 2022;
- 103 6) Determining the manner in which to incorporate the
104 College Credit Plus Program within the pilot program;
- 105 7) Collaborating with the designated department, advisor,
106 and instructor as appointed by SSCC to develop an
107 articulation system for credits earned under the pilot
108 program, and align them into a for-credit program at
109 SSCC; and
- 110 8) Acting as fiscal operator of the pilot program and
111 oversee the use of any funds appropriated by the General
112 Assembly.

113 At the end of the five-year period, requires SSCC and the
114 program coordinator to submit a full report and any legislative
115 recommendations to the General Assembly regarding the outcomes
116 of the pilot program.

117 **Department of Education**

118 **Sections 265.10 and 265.200**

119 Increases GRF appropriation item 200545, Career-Technical
120 Education Enhancements, by \$240,000 in each fiscal year.
121 Earmarks the same amounts from this item to support the Ohio
122 Code-Scholar Pilot Program.

_____ moved to amend as follows:

1 In line 82191, delete \$3,856,672,838 \$5,560,074,123" and
2 insert "\$3,856,990,059 \$5,560,656,874"

3 In line 82192, delete "10,858,971,030 \$13,581,997,403"
4 and insert "\$10,859,846,818 \$13,583,428,306"

5 In line 82193, delete "\$14,715,643,868 \$19,142,071,526"
6 and insert "\$14,716,836,877 \$19,144,085,180"

7 In line 82198, add \$317,221 to fiscal year 2022 and
8 \$582,751 to fiscal year 2023

9 In line 82199, add \$875,788 to fiscal year 2022 and
10 \$1,430,903 to fiscal year 2023

11 In line 82200, add \$1,193,009 to fiscal year 2022 and
12 \$2,013,654 to fiscal year 2023

13 In line 82225, add \$1,193,009 to fiscal year 2022 and
14 \$2,013,654 to fiscal year 2023

15 After line 82469, insert:

16 **"Section 333.165. ADULT DAY CARE PROVIDER PAYMENT RATES**

17 (A) For fiscal year 2022, the payment rates for adult day
18 care services provided by a waiver- or state-plan provider under
19 the PASSPORT program and the Assisted Living waiver, including

20 the MyCare Ohio waiver portions of those programs, shall be four
21 per cent higher than the rates in effect on June 30, 2021.

22 (B) For fiscal year 2023, the payment rates for adult day
23 care services provided by a waiver- or state-plan provider under
24 the PASSPORT program and the Assisted Living waiver, including
25 the MyCare Ohio waiver portions of those programs, shall be two
26 per cent higher than the rates in effect on June 30, 2022."

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **Department of Medicaid**

30 **Section 333.10**

31 Increases GRF appropriation item 651525, Medicaid Health
32 Care Services, by \$1,193,009 (\$317,221 state share) in FY 2022
33 and \$2,013,654 (\$582,751 state share) in FY 2023.

34 **Adult day care service provider payment rates - PASSPORT**
35 **and Assisted Living**

36 **Section 333.165**

37 Increases the payment rates for adult day care services
38 under the PASSPORT program and the Assisted Living waiver,
39 including for enrollees under the MyCare Ohio program (those
40 enrollees dually eligible for Medicare and Medicaid), by 4% in
41 FY 2022.

42 For FY 2023, increases those payment rates 2% from the FY
43 2022 amounts.

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_____ moved to amend as follows:

In line 29 of the title, after "1531.01," insert "1531.17," 1

In line 31 of the title, after "1546.06," insert "1546.21," 2

In line 134 of the title, after "1333.13," insert "1501.29," 3

In line 234, after "1531.01," insert "1531.17," 4

In line 235, after "1546.06," insert "1546.21," 5

In line 311, after "1333.13," insert "1501.29," 6

After line 14680, insert: 7

"Sec. 1501.29. (A) As used in this section: 8

(1) "Qualifying land" means land that meets all of the 9
following criteria: 10

(a) The land is owned in fee by the department of natural 11
resources or the department owns an interest in the land. 12

(b) The land or the department's interest in the land is 13
exempted from taxation. 14

(c) The total area of the land is more than five thousand 15
acres. 16

(d) The land or interest in the land was acquired by the 17
department on January 1, 2018, or thereafter, in either one 18

transaction or a series of transactions with the same seller.

19

(2) "Unimproved taxable value" means the taxable value of qualifying land, exclusive of improvements, for the tax year in which the land or interest in the land was acquired by the department of natural resources.

20

21

22

23

(B) On or before the thirtieth day of June of each year, beginning in 2022, the director of natural resources shall pay to the county treasurer of each county in which qualifying land is located, an amount equal to two and one-half per cent of the unimproved taxable value of qualifying land located within that county. The director shall draw the funds necessary to make such payments from the state park fund created under section 1546.21 of the Revised Code, the wildlife fund created under section 1531.17 of the Revised Code, or both of those funds.

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(C) Within thirty days of receiving a payment under division (B) of this section, the county treasurer shall distribute the money among the taxing units within the territory of which the county's qualifying land is located as follows:

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36

(1) Sixty per cent of the money shall be distributed proportionally among school districts that include qualifying land located within the county based on the unimproved taxable value of that qualifying land located within the territory of each such school district.

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(2) Forty per cent of the money shall be distributed proportionally among taxing units other than school districts that include qualifying land located within the county based on the unimproved taxable value of that qualifying land located within the territory of each such taxing unit.

42

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46

(D) Moneys received by a school district or other taxing unit

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under this section shall be used for any lawful purpose.

48

(E) If compensation is payable for land or interests in land
under this section, no compensation shall be made payable under
section 1531.27 of the Revised Code for the same land or
interest."

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52

After line 16156, insert:

53

"**Sec. 1531.17.** All fines, penalties, and forfeitures arising
 from prosecutions, convictions, confiscations, or otherwise under
 this chapter and Chapters 1517. and 1533. of the Revised Code,
 unless otherwise directed by the director of natural resources,
 shall be paid by the officer by whom collected to the director and
 by the director paid into the state treasury to the credit of the
 wildlife fund, which is hereby created, for the use of the
 division of wildlife. All moneys received from the sale of wild
 animals under division (J) of section 1531.06 of the Revised Code
 shall be paid into the state treasury to the credit of the
 wildlife fund for the use of the division. All moneys collected as
 license fees on nets in the Lake Erie fishing district shall be
 paid by the director into the state treasury to the credit of the
 wildlife fund for use only in the betterment and the propagation
 of fish therein or in otherwise propagating fish in such district.
 All investment earnings of the fund shall be credited to the fund.
 The wildlife fund shall not be used for compensation of personnel
 employed by other divisions of the department of natural resources
 who are assigned to law enforcement duties in aid of the division
 of wildlife or for compensation of division of wildlife personnel
 for activities related to the instruction of personnel of other
 divisions.

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The director of natural resources may use moneys from the

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fund to make the payments required under section 1501.29 of the
Revised Code."

After line 16530, insert:

"**Sec. 1546.21.** (A) The chief of the division of parks and
watercraft shall collect all rentals from leases of state lands
and moneys for pipe permits, dock licenses, concession fees, and
special privileges of any nature from all lands and waters
operated and administered by the division. The chief shall keep a
record of all such payments showing the amounts received, from
whom, and for what purpose collected. All such payments shall be
credited to the state park fund, which is hereby created in the
state treasury, except such revenues required to be set aside or
paid into depositories or trust funds for the payment of bonds
issued under sections 1501.12 to 1501.15 of the Revised Code, and
to maintain the required reserves therefor as provided in the
orders authorizing the issuance of such bonds or the trust
agreements securing such bonds, and except such revenues required
to be paid and credited pursuant to the bond proceedings
applicable to obligations issued pursuant to section 154.22 of the
Revised Code. All moneys derived from the operation of the lands,
waters, facilities, and equipment by the division, except such
revenues required to be set aside or paid into depositories or
trust funds for the payment of bonds issued under sections 1501.12
to 1501.15 of the Revised Code, and to maintain the required
reserves therefor as provided in the orders authorizing the
issuance of such bonds or the trust agreements securing such
bonds, and except such revenues required to be paid and credited
pursuant to the bond proceedings applicable to obligations issued
pursuant to section 154.22 of the Revised Code, shall accrue to
the credit of the state park fund.

Except as otherwise provided in ~~division~~ divisions (B) and 107
(C) of this section and in sections 154.22, 1501.11, and 1501.14 108
of the Revised Code, such fund shall not be expended for any 109
purpose other than the administration, operation, maintenance, 110
development, and utilization of lands and waters, and for 111
facilities and equipment incident thereto, administered by the 112
division, or for the further purchase of lands and waters by the 113
state for park and recreational purposes. 114

(B) The chief shall use moneys in the fund from the issuance 115
of Ohio state parks license plates under section 4503.575 of the 116
Revised Code only to pay the costs of state park interpretive and 117
educational programs and displays and the development and 118
operation of state park interpretive centers. 119

(C) The director of natural resources may use moneys from the 120
fund to make the payments required under section 1501.29 of the 121
Revised Code." 122

In line 70848, after "1531.01," insert "1531.17," 123

In line 70849, after "1546.06," insert "1546.21," 124

After line 87232 insert: 125

"**Section 512.**____. GENERAL REVENUE FUND TRANSFER TO WILDLIFE 126
FUND 127

On July 1, 2021, or as soon as possible thereafter, the 128
Director of Budget and Management shall transfer \$350,000 cash 129
from the General Revenue Fund to the Wildlife Fund (Fund 7015). 130

On July 1, 2022, or as soon as possible thereafter, the 131
Director of Budget and Management shall transfer \$350,000 cash 132
from the General Revenue Fund to the Wildlife Fund (Fund 7015)." 133

The motion was _____ agreed to.

SYNOPSIS

Tax reimbursements for DNR land	134
R.C. 1501.29, 1531.17, and 1546.21	135
Requires the Director of Natural Resources to annually	136
reimburse school districts and other taxing units for a portion of	137
forgone property tax revenue resulting from the state's	138
acquisition of certain Department of Natural Resources (DNR) land	139
acquired beginning in 2018. Specifies that the payments equal 2.5%	140
of the land's unimproved taxable value for the tax year in which	141
DNR acquired the land. Requires that 60% of payments be allocated	142
to school districts and the remaining 40% be allocated to other	143
taxing units. Requires the Director to draw the payments from the	144
State Park Fund, or the Wildlife Fund, or both.	145
GRF transfer to the Wildlife Fund	146
Section 512.__	147
Requires the OBM Director, on July 1 of each year of the	148
biennium, or as soon as possible thereafter, to transfer \$350,000	149
cash from the GRF to the Wildlife Fund (Fund 7015).	150

_____ moved to amend as follows:

1 After line 89096, insert:

2 **"Section 753.____.** (A) (1) Notwithstanding division (A) (5) of
3 section 123.01 of the Revised Code, the Director of
4 Administrative Services may execute a perpetual easement in the
5 name of the state granting to the owner of the real property
6 located at 60 East Broad Street, Columbus, Ohio 43215 a
7 perpetual easement. The easement may be granted for the purpose
8 of maintaining the wall for which a forty-year easement was
9 granted to The Railroad Savings and Loan Company by the Ohio
10 Building Authority in 1974 and burdening the following described
11 real estate, as described in the 1974 easement:

12 Situated in the State of Ohio, County of Franklin, City of
13 Columbus and being a part of Inlot No. 449 Parcel No. I.

14 Beginning at a P.K. nail at the southeast corner of Inlot
15 Lo. 449; thence North (87°-43'-30'') West, along the southerly
16 line of said Inlot No. 449, a distance of one and twelve
17 hundredths (1.12') feet to a point; thence North (02°-15'-00")
18 East, thirty-one and no hundredths (31.00) feet to a point;
19 thence South (87°-43'-30'') East, a distance of one and twelve

SC4399

20 hundredths (1.12') feet to a point in the easterly line of Inlot
21 No. 449; thence South (02°-15'-00") West, thirty-one and no
22 hundredths (31.00') feet to the place of beginning and
23 containing 34.72 square feet more or less. The rights granted on
24 the land described above include permission to construct a
25 Refacing Wall over the Ohio Building Authority, State Office
26 Tower and attached to the westerly side of the Railroad Savings
27 and Loan Building at 60 East Broad Street, Columbus, Ohio. The
28 plans to be used for said Refacing prepared by Brubaker/Brandt
29 Inc., Architects-Planners.

30 Parcel No, II

31 Beginning at a point in the easterly property line of Inlot
32 No. 449 that is located North (02°-15'-00'') East, twenty-seven
33 and no hundredths (27 .00) feet from the southeast corner of
34 said Inlot; thence North (02°-15'-00'') East, along said
35 easterly property line, sixty-six and no hundredths (66.00) feet
36 to a point; thence North (87-43'-30'') West, zero and five
37 tenths (0.5'') feet to a point on the east face of the new Ohio
38 Building Authority State Office Tower; thence South (02°-15'-
39 00'') West, along the east face of said building sixty-six and
40 no hundredths (66.00') feet to a point; thence South (87°-43'-
41 30'') East, zero and five tenths (0.5') feet to the place of
42 beginning and containing 33.0 square feet more or less. The

43 rights granted as described above include aerial rights only
44 with permission to attach to the above mentioned State Office
45 Tower a Gutter and Flashing as shown on plans Prepared by
46 Brubaker/Brandt Inc., Architects-Planners.

47 (2) The legal description in division (A)(1) of this
48 section may be corrected or modified by the Department of
49 Administrative Services as necessary in order to facilitate
50 recording of the perpetual easement or to account for changes in
51 circumstances since the 1974 easement was granted.

52 (B) Consideration for granting the perpetual easement is
53 \$1.

54 (C) The Director of Administrative Services, with the
55 assistance of the Attorney General, shall prepare the perpetual
56 easement document. The perpetual easement shall state the
57 consideration and the terms and conditions for granting the
58 perpetual easement. The perpetual easement shall be executed by
59 the Director of Administrative Services in the name of the
60 state, presented in the Office of the Auditor of State for
61 recording, and delivered to the owner of the real property at 60
62 E. Broad St., Columbus, Ohio 43215. The owner shall present the
63 perpetual easement for recording in the Office of the Franklin
64 County Recorder. The owner shall pay the recording costs and
65 fees.

66 (D) This section expires three years after its effective
67 date.

68 The motion was _____ agreed to.

69 SYNOPSIS

70 **Perpetual easement at 60 E. Broad St.**

71 **Section 753. __**

72 Authorizes the Director of Administrative Services to grant
73 a perpetual easement over state-owned property at the Rhodes
74 Tower complex which is currently subject to a forty-year
75 easement granted in 1974.

_____ moved to amend as follows:

1 In line 138 of the title, delete "3301.231,"

2 In line 139 of the title, delete "3301.232, 3301.233,"

3 In line 314, delete "3301.231, 3301.232, 3301.233,"

4 Delete lines 23717 through 23848

5 In line 23710, after "(3)" insert "A requirement that the
6 committee determine the best ways to compile data on computer
7 science courses, teachers, and undergraduate students studying
8 computer science in universities.

9 (4)"

10 In line 29575, delete "3301.232,"

11 In line 36587, delete "3301.232,"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Remove certain computer science education provisions**

15 **R.C. 3301.231, 3301.232, and 3301.233; conforming changes**
16 **in R.C. 3314.03 and 3326.11**

17 Removes provisions of the substitute bill that do both of
18 the following:

SC4402X1

19 (1) Require the Department of Education, in consultation
20 with computer science stakeholders, to establish a program to
21 provide high school students with access to online computer
22 science courses;

23 (2) Require that, generally, students enrolled in school
24 districts, community schools, and STEM schools must have the
25 option to enroll in computer science courses offered by their
26 district or school, or that are offered by educational providers
27 approved by the Department; and

28 (3) Require the Department, in consultation with the
29 Chancellor, to issue an annual report about computer science
30 education in Ohio.

31 **Computer science education - state plan**

32 **R.C. 3301.23**

33 Requires the committee established under the bill to
34 develop a state plan for primary and secondary computer science
35 education to include in the plan a requirement that the
36 committee determine the best ways to compile data on computer
37 science courses, teachers, and undergraduate students studying
38 computer science in universities.

_____ moved to amend as follows:

1 In line 75653, delete "\$6,425,000" and insert \$6,675,000"

2 In line 75679, add \$250,000 to fiscal year 2022

3 In line 75690, add \$250,000 to fiscal year 2022

4 After line 75843 insert:

5 "(D) Of the foregoing appropriation item 800639, Fire
6 Department Grants, \$250,000 in fiscal year 2022 shall be
7 allocated to Northfield Center Township to support construction
8 of a new fire station and safety center."

9 In line 75844, delete "(D)" and insert "(E)"

10 In line 75848, delete "(E)" and insert "(F)"

11 In line 75852, delete "(F)" and insert "(G)"

12 In line 75857, delete "(G)" and insert "(H)"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Commerce**

16 **Sections 243.10 and 243.20**

17 Increases FY 2022 appropriations under State Fire Marshal
18 Fund (Fund 5460) line item 800639, Fire Department Grants, by
19 \$250,000 to a total of \$6,675,000.

SC4403X1

20 Earmarks the increased amount for Northfield Center
21 Township to support construction of a new fire station and
22 safety center.

_____ moved to amend as follows:

1 After line 28468, insert:

2 "(4) Notwithstanding divisions (B)(1) and (2) of this
3 section, a sponsor rated "exemplary" on its most recent
4 evaluation conducted under section 3314.016 of the Revised Code
5 is permitted to open up to two new internet- or computer-based
6 community schools that will primarily serve students enrolled in
7 a dropout prevention and recovery program each year, not to
8 exceed six new schools in a five-year period."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **High performing sponsors opening e-schools**

12 **R.C. 3314.013**

13 Permits an "exemplary" sponsor to open up to two new
14 internet- or computer-based community schools (e-schools), not
15 to exceed six new schools in a five-year period. (Subject to
16 approval by the state Superintendent of Public Instruction,
17 current law restricts the opening of any new e-schools to a
18 total of five per year.)

_____ moved to amend as follows:

1 In line 82840, delete "\$10,000,000 \$10,000,000" and
2 insert "\$10,250,000 \$10,250,000"

3 In line 82847, add \$250,000 to each fiscal year

4 In line 82878, add \$250,000 to each fiscal year

5 In line 83264, after "(A)" insert:

6 "Of the foregoing appropriation item 336425, Specialized
7 Docket Support, \$250,000 in each fiscal year shall be
8 distributed to the Participating in Victory of Transition
9 (PIVOT) pilot program in Seneca County.

10 (B)"; delete "foregoing" and insert "remainder of"

11 In line 83269, delete "(B)" and insert "(C)"

12 In line 83274, delete "(B)" and insert "(C)"

13 In line 83278, delete "(C)" and insert "(D)"

14 In line 83283, delete "(D)" and insert "(E)"

15 The motion was _____ agreed to.

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SYNOPSIS

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Department of Mental Health and Addiction Services

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Sections 337.10 and 337.80

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Increases GRF appropriation item 336425, Specialized Docket Support, by \$250,000 in each fiscal year. Earmarks these funds for the Participating in Victory of Transition (PIVOT) pilot program in Seneca County.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 89096, insert:

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"**Section 753.**____. (A) The Governor may execute one or more
Governor's Deeds in the name of the State conveying to one or more
Purchasers, their heirs, successors and assigns, to be determined
in the manner provided in division (C) of this section all of the
State's right, title, and interest in the following described real
estate:

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Commence at the westerly intersection of Roberts Mill Road
(Township Road 96) and Old Springfield Road (County Road 13),
thence westerly along the centerline of Old Springfield Road (CR
13) 893.82 feet to Place of Beginning, thence northwesterly 1585
+/- feet to the southeast corner of lands now or formerly owned by
Mabel Marie Nibert (Madison County Parcel Number 29-00453.000)
thence, northerly, with the east line of said Nibert parcel and
the west line of lands now or formerly owned by the State of Ohio
(Madison County Parcel Number 29-00789.000) to the south line of
lands now or formerly owned by Bruce A. Roberts, Trustee, (Madison
County Parcel Number 29-00363.000), thence, easterly along the
south line of said Roberts parcel to an angle point in said south
line, thence, northerly, continuing along the said south line of
said Roberts parcel to an angle point in said south line, thence

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northeasterly, continuing along the said south line of said 22
 Roberts parcel 1090 +/- feet to a fence corner, thence, 23
 southeasterly, through the said State of Ohio lands and along a 24
 fence line, 1730 +/- feet to the west side of a farm drive that 25
 runs along a drainage ditch, thence southwesterly along said farm 26
 drive 3452 +/- feet to a point in the center of the drainage ditch 27
 that is on the extension of the west line of a farm drive 28
 projected from the south, thence southerly on the west line of the 29
 said farm drive to the center of Old Springfield Road, thence 30
 westerly, along the centerline of Old Springfield Road to the 31
 beginning containing approximately 312 acres out of Madison County 32
 Parcel Number 29-00363.000. 33

Begin at the easterly intersection of Roberts Mill Road and 34
 Old Springfield Road, thence easterly along the center of Old 35
 Springfield Road 8320 +/- feet to the east line of lands now or 36
 formerly owned by the State of Ohio (Madison County Parcel Number 37
 29-00789.000) and the west line of lands now or formerly owned by 38
 Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), 39
 thence southerly along the said east line of said State of Ohio 40
 parcel 2465 +/- feet to the north line of the Pennsylvania Lines 41
 LLC, railroad right of way, thence westerly, along the north line 42
 of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet 43
 to the center of Roberts Mill Road, thence with the center of 44
 Roberts Mill Road to the beginning containing approximately 455 45
 acres. 46

Begin at the intersection of the Pennsylvania Lines LLC, 47
 south right of way line and the centerline of Roberts Mill Road, 48
 thence easterly with the Pennsylvania Lines LLC south right of way 49
 line, 7285 +/- feet to the northwest corner of land now or 50
 formerly owned by John R. Dunkle (Madison County Parcel Number 51
 31-03570.000), thence southerly along said Dunkle parcel 430 +/- 52

feet to a corner, thence westerly along other parcels now or
 formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence
 southerly along the west line of said Dunkle parcel 1500+/- feet
 to an angle point in said line, thence easterly along said Dunkle
 lands 210 +/- feet to an angle point, thence southerly along said
 Dunkle lands 1150 +/- feet to the northeast corner of State of
 Ohio Highway Garage lands (Madison County Parcel Number
 29-00777.000), thence westerly along said Highway Garage lands and
 lands now or formerly owned by Tyrone J. Leach (Madison County
 Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County
 Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a
 point on the east line of the State of Ohio Firearms Range
 (Madison County Parcel Number 29-000816.000), thence northerly
 along the said east line of the State of Ohio Firearms Range 1390
 +/- feet to a fence line projected from the east, thence easterly
 along said fence line 690 +/- feet to the west side of a farm
 drive, thence northwesterly following along the west side of the
 farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence
 line projected from the west, said fence line being the north line
 of the State of Ohio Firearms Range, thence westerly along the
 said fence line and the north line of the State of Ohio Firearms
 Range 2115 +/- feet to the northwest corner of said State of Ohio
 Firearms Range thence, southerly along the west line of the State
 of Ohio Firearms Range, 860 +/- feet to a fence line, thence
 westerly along the fence line 955 +/- feet to the centerline of
 Roberts Mill Road, thence with the center of Roberts Mill Road to
 the beginning containing approximately 330 acres.

Begin at the southeast corner of lands now or formerly owned
 by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000)
 said corner also being the northwest corner of State of Ohio lands
 (Madison County Parcel Number 05-00542.000) and also being in the

center of Marysville-London Road (SR 38), thence southerly along 84
the center of Marysville-London Road (SR 38) 2145 +/- feet to an 85
angle point in said road thence continuing with said road 86
southerly 290 +/- feet to the southeast corner of State of Ohio 87
lands (Madison County Parcel Number 05-00199.000) and the 88
northeast corner of lands now or formerly owned by the City of 89
London (Madison County Parcel Number 31-03614.000), thence 90
southwesterly along the south line of said State of Ohio lands, 91
the north line of said City of London and the lands now or 92
formerly owned by the London City School District (Madison County 93
Parcel Number 31-03614.001) 1886 +/- feet to the north west corner 94
of said London City School district parcel and the northeast 95
corner of lands now or formerly owned by GCSquared LLC (Madison 96
County Parcel Number 31-01156.000), thence westerly along the 97
north line of said GCSquared parcel 145 +/- feet to a fence 98
corner, thence northwesterly, crossing said State of Ohio parcels 99
and following said fence line 2000 +/- feet to a point where the 100
east edge of a farm drive projected intersects, thence continuing 101
northwesterly and along the east edge of the farm drive 338 +/- 102
feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet 103
to a point where a projected south line of a parcel now or 104
formerly owned by Tom Farms, Inc. (Madison County Parcel Number 105
30-00030.000) and the north line of State of Ohio lands (Madison 106
County Parcel Number 30-00199.000) intersect, thence westerly 107
along lands now or formerly owned by Tom Farms, Inc. (Madison 108
County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 109
05-00066.000) and the north line of State of Ohio lands (Madison 110
County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 111
2850 +/- feet to the beginning containing approximately 150 acres. 112

The foregoing legal description may be corrected or modified 113
by the Department of Administrative Services to a final form if 114

such corrections or modifications are needed to facilitate 115
recordation of the deed or deeds to define the description of the 116
real estate identified as no longer obligatory by the state. 117

(B)(1) The conveyance includes improvements and chattels 118
situated on the real estate, and is subject to all easements, 119
covenants, conditions, and restrictions of record; all legal 120
highways and public rights-of-way; zoning, building, and other 121
laws, ordinances, restrictions, and regulations; and real estate 122
taxes and assessments not yet due and payable. The real estate 123
shall be conveyed in an "as-is, where-is, with all faults" 124
condition. 125

(2) The deed for conveyance of the real estate may contain 126
restrictions, exceptions, reservations, reversionary interests, 127
and other terms and conditions the Director of Administrative 128
Services determines to be in the best interest of the State. 129

(3) Subsequent to the conveyance, any restrictions, 130
exceptions, reservations, reversionary interests, or other terms 131
and conditions contained in the deed may be released by the State 132
or the Department of Rehabilitation and Correction without the 133
necessity of further legislation. 134

(4) The deed or deeds shall contain restrictions prohibiting 135
the grantee or grantees from occupying, using, or developing, or 136
from selling, the real estate such that the use or alienation will 137
interfere with the quiet enjoyment of neighboring state-owned 138
land. 139

(5) The real estate described in division (A) of this section 140
shall be conveyed only if the Director of Administrative Services 141
and the Director of the Department of Rehabilitation and 142
Correction first have determined that the real estate is surplus 143
real property no longer needed by the state and that the 144

conveyance is in the best interest of the state. 145

(C)(1) The Director of Administrative Services and the 146
Director of Rehabilitation and Correction shall offer the sale of 147
the real estate in the manner described in divisions (C)(2) or 148
(C)(3) of this section. 149

(2) The Director of Administrative Services may offer the 150
sale of the real estate to a purchaser or purchasers to be 151
determined, through a negotiated real estate purchase agreement or 152
agreements. 153

Consideration for the conveyance of the real estate shall be 154
at a price and at terms and conditions acceptable to the Director 155
of Administrative Services and the Director of Rehabilitation and 156
Correction. The consideration shall be paid at closing. 157

(3) The Director of Administrative Services shall conduct a 158
sale of the real estate by sealed bid auction or public auction, 159
and the real estate shall be sold to the highest bidder at a price 160
acceptable to the Director of Administrative Services and the 161
Director of Rehabilitation and Correction. The Director of 162
Administrative Services shall advertise the sealed bid auction or 163
public auction by publication in a newspaper of general 164
circulation in Madison County, once a week for three consecutive 165
weeks before the date on which the sealed bids are to be opened. 166
The Director of Administrative Services shall notify the 167
successful bidder in writing. The Director of Administrative 168
Services may reject any or all bids. 169

The purchaser or purchasers shall pay ten percent of the 170
purchase price to the Director of Administrative Services not 171
later than five business days after receiving the notice the bid 172
has been accepted and shall enter into a real estate purchase 173
agreement, in the form prescribed by the Department of 174

Administrative Services. Payment may be made by bank draft or 175
certified check made payable to the Treasurer of State. The 176
purchaser or purchasers shall pay the balance of the purchase 177
price to the Director of Administrative Services within sixty days 178
after receiving notice the bid has been accepted. A purchaser who 179
does not complete the conditions of the sale as prescribed in this 180
division shall forfeit as liquidated damages the ten percent of 181
the purchase price paid to the state. If the purchaser fails to 182
complete the purchase of the real estate, the Director of 183
Administrative Services may accept the next highest bid, subject 184
to the foregoing conditions. If the Director of Administrative 185
Services rejects all bids, the Director may repeat the sealed bid 186
auction or public auction or may use an alternative sale process 187
that is acceptable to the Director of Administrative Services and 188
the Director of Rehabilitation and Correction. 189

The Department of Rehabilitation and Correction shall pay 190
advertising costs incident to the sale of the real estate. 191

(D) The real estate described in division (A) of this section 192
may be conveyed as an entire tract or as multiple parcels as 193
determined by the Director of Administrative Services and the 194
Director of Rehabilitation and Correction. The real estate 195
described in division (A) of this section may be conveyed to a 196
single purchaser or multiple purchasers as determined by the 197
Director of Administrative Services and the Director of 198
Rehabilitation and Correction. 199

(E) Except as otherwise specified in this section, the 200
purchaser or purchasers shall pay all costs associated with the 201
purchase, closing and conveyance, including surveys, title 202
evidence, title insurance, transfer costs and fees, recording 203
costs and fees, taxes, and any other fees, assessments, and costs 204

that may be imposed.	205
(F) The proceeds of the conveyance of facilities and interest	206
in real estate sale or sales shall be deposited into the state	207
treasury to the credit of the Adult and Juvenile Correctional	208
Facilities Bond Retirement Fund in accordance with section	209
5120.092 of the Revised Code.	210
(G) Upon payment of the purchase price, and receipt of	211
written notice from the Director of Administrative Services, the	212
Auditor of State, with the assistance of the Attorney General,	213
shall prepare a Governor's Deed or Deeds to the real estate	214
described in division (A) of this section. The deed or deeds shall	215
state the consideration and shall be executed by the Governor in	216
the name of the State, countersigned by the Secretary of State,	217
sealed with the Great Seal of the State, presented in the Office	218
of the Auditor of State for recording, and delivered to the	219
purchaser or purchasers. The purchaser or purchasers shall present	220
the Governor's Deed for recording in the Office of the Madison	221
County Recorder.	222
(H) This section shall expire three (3) years after its	223
effective date.	224
Section 753.____. (A) The Governor may execute a Governor's	225
Deed in the name of the State conveying to a Grantee to be	226
determined ("Grantee"), and its successors and assigns, in the	227
manner provided in division (D) of this section all of the State's	228
right, title, and interest in the following described real estate:	229
Situated in Section 6, Township 3 East, Range 3 North and	230
Section 36, Township 4 East, Range 3 North, M.R.S., Township of	231
Turtlecreek, County of Warren, State of Ohio and being part of	232
1001.93 acres of real estate conveyed to The State of Ohio by deed	233
recorded in Deed Book 124, Page 109 (all deed references to deeds,	234

microfiche, plats, surveys, etc., refer to records of the Warren County, Ohio Recorders office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North 05° 34' 03" East, leaving said centerline of State Route 63 and along said section line, 30.40 feet to a point in the existing right of way of said State Route 63;

Thence North 84°36' 48" East, along the existing right of way of State Route 63, 1055.70 feet to the south east corner of a 120.0002-acre tract of land conveyed to Warren General Property Co., LLC by O.R. Volume 5725, Page 443 and an iron pin found,

Thence North 05° 17' 35" East, along the east line of said Warren General Property Co., LLC, 30.00 feet to the TRUE PLACE OF BEGINNING;

Thence North 05° 17' 35" East, continuing along the ease line of said Warren General Property Co., LLC, 2003.73 feet to an iron pin found at the northeast corner of said Warren General Property Co., LLC;

Thence North 84° 42' 29" West, along the northerly line of said Warren General Property Co., LLC, 2633.41 feet to an iron pin found at the northwest corner of said Warren General Property Co., LLC and being in the easterly line of a 57.157-acre tract of land conveyed to Frick Real Estate Ltd., by O.R. Volume 2373, Page 996;

Thence North 20° 05' 20" East, along the west line of said State of Ohio Lands and the east line of lands of said Frick Real Estate Ltd., a 44.687-acre tract conveyed to S.S. Hempsted, LLC., by Deed Document #2020-021965 and the east line of a 60-acre tract conveyed to the Solid Rock Ministries International by O.R. Volume

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5082, Page 417, 3399.01 feet to an iron pin set in the southerly line of lands of a 16.00-acre tract deed to the Board of Warren County Commissioners by Deed Book 418, Page 93 and the northerly line of said State of Ohio lands;

Thence S 84° 05' 40" East, along the northerly line of said State of Ohio lands and being the southerly lines of lands of said Board of Warren County Commissioners, a 101.354-acre tract conveyed to Jeff and Shannon Wieland by Deed Document #2018-017173 and a 208.0348-acre tract conveyed FRL Real Estate, LLC. by Deed Document #2018-003275, 2464.24 feet to a north easterly corner of said State of Ohio lands, Said corner being referenced by an iron pin found 1.47 feet North 06° 06' 09" East from said corner;

Thence South 06° 06' 09" West, along an easterly line of said State of Ohio lands and the westerly line of a 159.6665-acre tract conveyed to Grand Communities, LLC. (F.K.A. Grand Communities, LTD.) by O.R. Volume 5045, Page 910, 1400.13 feet to an iron pin found at a corner of said State of Ohio land and a corner of said Grand Communities, LLC. land;

Thence South 84° 19' 23" East, along a north line of the State of Ohio lands and a south line of said Grand Communities, LLC. land, 582.71 feet to an iron pin found at a north easterly corner of said State of Ohio Lands and a corner of said Grand Communities, LLC., land;

Thence South 06° 06' 50" West, along an east line of said State of Ohio and a west line of said Grand Communities, LLC. land, passing an iron pin found at 1794.45 feet at a corner of said State of Ohio lands and a corner of said Grand Communities, LLC. lands thence continuing on a new line through the State of Ohio lands a total distance of 3636.78 feet to an iron pin set;

Thence North 84° 50' 55" West, on a new line through the

State of Ohio Lands, 170.39 feet to an iron pin set; 294

 Thence South 51° 04' 44" West, on a new line through the 295
State of Ohio Lands, 114.36 feet to an iron pin set; 296

 Thence South 04° 59' 19" West, on a new line through the 297
State of Ohio Lands, 145.54 feet to an iron pin set; 298

 Thence North 84° 33' 59" West, on a new line through the 299
lands of the State of Ohio, 957.94 feet to the TRUE PLACE OF 300
BEGINNING. 301

 The above described area contains 295.9888 acres of land more 302
or less, of which the present road occupies 0.000 acres of land 303
more or less (87.5466 acres in section 6) and (208.4422 acres in 304
section 36). Subject to all recorded easements and right of ways 305
and an ingress egress easement described below. 306

 This description was prepared for the Ohio Department of 307
Transportation under the direction of William H. Helmick, Ohio 308
Registered Surveyor No. 8030. Based on a survey performed in 309
November of 2019. All iron pins set are 5/8" diameter and 30" in 310
length and have a plastic cap marked "ODOT DIST 8". Bearings are 311
Ohio State Plane South Zone (3402)(2011) as established by the 312
ODOT VRS. To the best of my knowledge this description and the 313
accompanying plat is a true and accurate representation of the 314
conditions at that time. 315

 The survey plat of which is filed in Volume 152, Plat 50 of 316
the Warren County Engineer's record of land surveys. 317

 (B) The land shall be conveyed subject to the following 318
easement to provide ingress and egress to the Ohio Department of 319
Correction sewer treatment plant, which encompasses the existing 320
drive to said plant. 321

 INGRESS-EGRESS EASEMENT 322

Commencing at the southeast corner of Section 6 said point	323
also being in the centerline of State Route 63;	324
Thence North 05° 34' 03" East, leaving said centerline of	325
State Route 63 and along said section line, 30.40 feet to a point	326
in the existing right of way of said State Route 63;	327
Thence South 84° 36' 48" East, along the existing right of	328
way of State Route 63, 1055.70 feet to the south east corner of	329
lands conveyed to Warren General Property Co., LLC by O.R. Volume	330
5725, Page 433 and an iron pin found,	331
Thence North 05° 17' 35" East, along the east line of said	332
Warren General Property Co., LLC, 30.00 feet to a point;	333
Thence South 84° 33' 59" East, along a new split line through	334
said State of Ohio lands, 770.98 feet to the TRUE PLACE OF	335
BEGINNING;	336
Thence N 59° 25' 46" E, along a new line through the lands of	337
State of Ohio, 92.53 feet to a point;	338
Thence N 78° 33' 02" E, continuing a new line through the	339
lands of State of Ohio, 44.89 feet to a point;	340
Thence S 84° 38' 05" E, continuing a new line through the	341
lands of State of Ohio, 68.62 feet to a point in the west line of	342
the sewer treatment plant;	343
Thence S 04° 59' 19" W, along the west line of the sewer	344
treatment plant, 30.00 feet to a point;	345
Thence N 84° 38' 05" W, on a new line through the lands of	346
State of Ohio, 64.38 feet to a point;	347
Thence S 78° 33' 02" W, continuing a new line through the	348
lands of State of Ohio, 35.40 feet to a point;	349
Thence S 59° 25' 46" W, continuing a new line through the	350

lands of State of Ohio, 46.20 feet to a point; 351

Thence N 84° 33' 59" W, along a split line through the lands 352
of State of Ohio, 51.03 feet to the TRUE PLACE OF BEGINNING. 353

The above described area contains 0.1212 acres of land more 354
or less, of which the present road occupies 0.000 acres of land 355
more or less. 356

The foregoing legal description may be corrected or modified 357
by the Department of Administrative Services to a final form if 358
such corrections or modifications are needed. 359

(C)(1) The conveyance includes improvements and chattels 360
situated on the real estate, and is subject to all easements, 361
covenants, conditions, and restrictions of record: all legal 362
highways and public rights-of-way; zoning, building, and other 363
laws, ordinances, restrictions, and regulations; and real estate 364
taxes and assessments not yet due and payable. The real estate 365
shall be conveyed in an "as-is, where-is, with all faults" 366
condition. 367

(2) The deed for conveyance of the real estate may contain 368
restrictions, exceptions, reservations, reversionary interests, or 369
other terms and conditions the Director of Administrative Services 370
determines to be in the best interest of the State. 371

(3) Subsequent to the conveyance, any restrictions, 372
exceptions, reservations, reversionary interests, or other terms 373
and conditions contained in the deed may be released by the State 374
or the Department of Rehabilitation and Correction without the 375
necessity of further legislation. 376

(4) The deed shall contain restrictions prohibiting the 377
purchaser from occupying, using, developing, or selling the real 378
estate if the occupation, use, development, or sale will interfere 379

with the quiet enjoyment of neighboring state-owned land. 380

(5) The real estate described in division (a) of this section 381
shall be conveyed only if the Director of Administrative Services 382
and the Director of Rehabilitation and Correction first have 383
determined that the real estate is surplus real property no longer 384
needed by the state and that the conveyance is in the best 385
interest of the state. 386

(D) The Director of Administrative Services shall offer the 387
real estate to the Grantee through a real estate purchase 388
agreement. Consideration for the conveyance of the real estate 389
shall be at a price and at terms and conditions acceptable to the 390
Director of Administrative Services and the Director 391
Rehabilitation and Correction. 392

(E) The real estate described in division (A) of this section 393
shall be sold as an entire tract and not in parcels. 394

(F) Grantee shall pay all costs associated with the purchase, 395
closing and conveyance of the real estate, including surveys, 396
title evidence, title insurance, transfer costs and fees, 397
recording costs and fees, taxes, and any other fees, assessments, 398
and costs that may be imposed. 399

The net proceeds of the sale shall be deposited into the 400
state treasury to the credit of the Adult and Juvenile 401
Correctional Facilities Bond Retirement Fund in accordance with 402
section 5120.092 of the Revised Code. 403

(G) Upon payment of the purchase price, and receipt of 404
written notice from the Director of Administrative Services, the 405
Auditor of State, with the assistance of the Attorney General, 406
shall prepare a Governor's Deed to the real estate described in 407
division (A) of this section. The Governor's Deed shall state the 408

consideration and shall be executed by the Governor in the name of 409
the State, countersigned by the Secretary of State, sealed with 410
the Great Seal of the State, presented in the Office of the 411
Auditor of State for recording, and delivered to the Grantee. The 412
Grantee shall present the Governor's Deed for recording in the 413
Office of the Warren County Recorder. 414

(H) This section shall expire June 30, 2022." 415

The motion was _____ agreed to.

SYNOPSIS

Land conveyance 416

Sections 753.____ and 753.____ 417

Authorizes the conveyance of certain state-owned land in 418
Madison and Warren Counties. 419

_____ moved to amend as follows:

1 In line 83962, delete "\$6,344,609 \$6,519,884" and insert
2 "\$6,944,609 \$7,419,884"

3 In line 83967, add \$600,000 to fiscal year 2022 and
4 \$900,000 to fiscal year 2023

5 In line 83984, add \$600,000 to fiscal year 2022 and
6 \$900,000 to fiscal year 2023

7 Delete lines 83985 through 83995

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Public Defender Commission**

11 **Section 371.10**

12 Increases GRF appropriation item 019401, State Legal
13 Defense Services, by \$600,000 in fiscal year 2022 and \$900,000
14 in fiscal year 2023.

15 Removes the provision permitting, under certain specified
16 circumstances, an appropriation transfer of up to \$100,000 in
17 each fiscal year from GRF appropriation item 019501, County
18 Reimbursement, to GRF appropriation item 019401, State Legal
19 Defense Services.

_____ moved to amend as follows:

1 Delete lines 89297 through 89316 and insert:

2 **"Section 803.30** (A) If a qualifying parking garage, as
3 defined in division (G) of section 5709.121 of the Revised Code,
4 is subject to an exemption authorized under the enactment by
5 this act of that division for tax year 2020, an exemption
6 application for that tax year shall be filed with the Tax
7 Commissioner on or before the thirtieth day after the effective
8 date of this section, notwithstanding division (F) of section
9 5715.27 of the Revised Code. Any taxes paid for a tax year for
10 which such an exemption application is approved under this
11 section shall be regarded as an overpayment of taxes for the tax
12 year and shall be refunded in the manner prescribed by section
13 5715.22 of the Revised Code, except that no application need be
14 made under that section in order for the auditor to issue a
15 refund. The county auditor and county treasurer shall otherwise
16 proceed as provided in that section in the same manner as for
17 other overpayments of taxes.

18 (B) If qualifying real property, as defined in section
19 727.031 of the Revised Code, as enacted by this act, is subject

20 to an exemption authorized under the amendment or enactment by
21 this act of that section or section 1710.06, 6101.48, or 6101.53
22 of the Revised Code for tax year 2020, any assessments levied
23 pursuant to those sections and paid for that tax year on such
24 qualifying real property shall be regarded as an overpayment of
25 such assessments and shall be refunded in the manner prescribed
26 by section 5715.22 of the Revised Code, except that no
27 application need be made under that section in order for the
28 auditor to issue a refund. The county auditor and county
29 treasurer shall otherwise proceed as provided in that section in
30 the same manner as for other overpayment of assessments."

31 The motion was _____ agreed to.

32 SYNOPSIS

33 **Tax year 2020 special assessments refund**

34 **Section 803.30**

35 Clarifies that a county auditor and treasurer are required
36 to refund any special assessments already paid for tax year 2020
37 for a nonprofit arts institution's property that qualifies for a
38 special assessments exemption. The pending substitute bill
39 temporarily exempts property owned by certain nonprofit arts
40 institutions from special assessments levied by a municipality,
41 special improvement district, or conservancy district.

_____ moved to amend as follows:

1 In line 9259, strike through "Telephone" and insert "Except
2 as otherwise provided in division (A)(1)(oo) of this section,
3 telephone"

4 In line 9260, after the first comma insert "or"; strike
5 through ", or a party to a"

6 Strike through line 9261

7 In line 9262, strike through "5502.11 of the Revised Code"

8 In line 9263, strike through ", other than when requested"

9 In line 9265, delete "thirty or more days after the act"

10 Delete line 9266

11 In line 9267, delete "motor vehicle accident"

12 After line 9274, insert:

13 "(oo) Telephone numbers for a party to a motor vehicle
14 accident subject to the requirements of section 5502.11 of the
15 Revised Code that are listed on any law enforcement record or
16 report, except that the telephone numbers described in this
17 division are not excluded from the definition of "public record"
18 under this division on and after the thirtieth day after the
19 occurrence of the motor vehicle accident."

20 Strike through lines 9533 and 9534

21 The motion was _____ agreed to.

22 SYNOPSIS

23 **Elimination of public record exemption**

24 **R.C. 149.43**

25 Modifies the bill's provision that specifies that an
26 existing exemption from the Public Records Law for telephone
27 numbers of victims (as defined in the Crime Victims' Rights
28 Law), crime witnesses, and parties to motor vehicle accidents
29 that appear in a law enforcement record or report does not apply
30 when the request for the telephone number is made 30 or more
31 days after the act classifying the person as a victim, after the
32 crime, or after the motor vehicle accident (under current law,
33 those telephone numbers may be disclosed only as part of an
34 insurance investigation of a motor vehicle accident), to instead
35 specify that:

36 1. Except as otherwise described in the next paragraph,
37 telephone numbers for a victim or a witness to a crime that
38 appear in such a record or report will not be covered by the 30-
39 or-more-days exception or any other exception, and will be
40 exempt from that Law;

41 2. Under a rephrasing of the exception, telephone numbers
42 for parties to motor vehicle accidents that appear in such a
43 record or report are not excluded from the definition of "public
44 record" under the exemption on and after the 30th day after the
45 occurrence of the motor vehicle accident; and

46 3. As under the bill's current provision, the existing
47 criterion requiring that the request be made as part of an
48 insurance investigation is repealed.

_____ moved to amend as follows:

1 After line 75155, insert:

2 "GRF 055440 Rapid DNA Pilot Project \$1,000,000 \$400,000"

3 In line 75161, add \$1,000,000 to fiscal year 2022 and
4 \$400,000 to fiscal year 2023

5 In line 75199, add \$1,000,000 to fiscal year 2022 and
6 \$400,000 to fiscal year 2023

7 After line 75260, insert:

8 "RAPID DNA PILOT PROJECT

9 The foregoing appropriation item 055440, Rapid DNA Pilot
10 Project, shall be used to fund the necessary expenses incurred
11 by the Bureau of Criminal Identification and Investigation to
12 pilot rapid DNA technology with cooperating local law
13 enforcement agencies."

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Attorney General**

17 **Sections 221.10 and 221.20**

18 Re-establishes GRF appropriation item 055440, Rapid DNA
19 Pilot Project, with an appropriation of \$1,000,000 in FY 2022

SC4450

20 and \$400,000 in FY 2023. Requires those amounts to be used to
21 fund the necessary expenses incurred by the Bureau of Criminal
22 Identification and Investigation to pilot rapid DNA technology
23 with cooperating local law enforcement agencies.

_____ moved to amend as follows:

1 In line 77031, delete "\$4,412,546 \$4,412,546" and insert
2 "\$3,412,546 \$3,412,546"

3 In line 77047, subtract \$1,000,000 from each fiscal year

4 In line 77099, subtract \$1,000,000 from each fiscal year

5 In line 77585, delete "school choice programs" and insert
6 "Office of Community Schools and the Office of Nonpublic
7 Educational Options"

8 After line 77585, insert:

9 "Of the foregoing appropriation item 200455, Community
10 Schools and Choice Programs, up to \$2,000,000 in each fiscal
11 year shall be used by the Office of Nonpublic Educational
12 Options to administer school choice programs."

13 In line 77899, delete "school choice" and insert "state
14 scholarship"

15 The motion was _____ agreed to.

16

SYNOPSIS

17

Department of Education

18

Sections 265.10, 265.130, and 265.210

19

20

Decreases GRF appropriation item 200455, Community Schools and Choice Programs, by \$1,000,000 in each fiscal year.

21

22

23

Changes the intent of 200455 to be for the operation of the Office of Community Schools and the Office of Nonpublic Educational Options instead of for school choice programs.

24

25

26

Earmarks up to \$2,000,000 in each fiscal year from 200455 for the Office of Nonpublic Educational Options to administer school choice programs.

27

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Changes the purpose of an earmark of GRF appropriation item 200550, Foundation Funding - All Students, of \$2,000,000 in each fiscal year to be for the administration of state scholarship instead of school choice programs.

_____ moved to amend as follows:

- 1 In line 16 of the title, delete "163.62,"
- 2 In line 224, delete "163.62,"
- 3 Delete lines 10519 through 10541
- 4 In line 70838, delete "163.62,"
- 5 Delete lines 88601 through 88632

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Attorney's fees and costs in inverse condemnation**
9 **proceedings**

10 **R.C. 163.62; Section 701.50**

11 Removes a provision added by the House that requires courts
12 in inverse condemnation proceedings to award amounts sufficient
13 to reimburse a property owner for reasonable expenses in the
14 proceeding if (1) the property owner is successful in the
15 proceeding or (2) reaches a settlement.

_____ moved to amend as follows:

1 In line 68885, delete "tax commissioner" and insert
2 "attorney general"

3 In line 68911, delete "tax commissioner" and insert
4 "attorney general"

5 In line 68912, delete "commissioner" and insert "attorney
6 general"

7 In line 68914, delete "commissioner" and insert "attorney
8 general"

9 In line 68916, delete "commissioner's" and insert "attorney
10 general's"

11 Delete lines 68925 through 68930 and insert:

12 "(3) It prioritizes awarding its scholarships to low-income
13 primary and secondary school students."

14 In line 68931, delete "commissioner" and insert "attorney
15 general"

16 In line 68932, delete "commissioner's" and insert "attorney
17 general's"

18 In line 68933, delete "commissioner" and insert "attorney
19 general" in both places

20 In line 68935, delete "department of taxation's" and insert
21 "attorney general's"; after the underlined period, insert "The
22 attorney general shall also furnish the list to the tax
23 commissioner on or before the first day of January each year and
24 upon the commissioner's request."

25 In line 68936, delete "commissioner" and insert "attorney
26 general"

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **Tax credit for donations to scholarship organizations**

30 **R.C. 5747.73**

31 Requires that the income tax credit for donations made to
32 nonprofit organizations that award scholarships to primarily
33 low-income students, which is created by the pending substitute
34 bill, be administered by the Attorney General, rather than the
35 Tax Commissioner as required in the current provision.

36 Modifies a requirement that such organizations, to qualify
37 its donors for the credit, must award at least 90% of its
38 scholarships to low-income students by instead requiring the
39 organization to generally prioritize awarding scholarships to
40 such students.

_____ moved to amend as follows:

1 In line 77040, delete "\$6,948,998,712 \$7,090,348,712" and
2 insert "\$6,948,498,712 \$7,089,848,712"

3 In line 77041, delete "\$1,052,172 \$1,052,172" and insert
4 "1,552,172 \$1,552,172"

5 In line 77065, delete "\$1,243,200,000 \$1,221,500,000" and
6 insert "\$1,243,700,000 \$1,222,000,000"

7 Delete line 77067

8 After line 79339, insert:

9 "Of the foregoing appropriation item 200566, Literacy
10 Improvement, up to \$500,000 in each fiscal year shall be used to
11 expand the Model Demonstration Project for Early Identification
12 of Students with Dyslexia Grant.

13 Under the expansion, the Superintendent of Public
14 Instruction shall award grants to city, local, and exempted
15 village school districts, community schools, STEM schools, or
16 chartered nonpublic schools to support additional pilot programs
17 to address the literacy needs of students in preschool through
18 first grade. Funds may be used for up to two years after they
19 are awarded.

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20 School districts or schools wishing to participate shall
21 apply to the Superintendent of Public Instruction. The
22 Superintendent shall select school districts and schools to
23 participate according to criteria determined by the
24 Superintendent. Participating school districts and schools shall
25 receive professional learning and support for teachers and
26 principals to improve their ability to provide instruction for
27 children with dyslexia. Participating school districts and
28 schools shall collaborate with the Department of Education to
29 identify professional learning opportunities aligned to the
30 science of reading. The Department may use up to ten per cent of
31 the amount appropriated in each fiscal year for program
32 administration and for support of districts and schools in
33 identifying and serving students with dyslexia.

34 As used in this section, "Model Demonstration Project for
35 Early Identification of Students with Dyslexia Grant" means the
36 grant awarded to Ohio by the U.S. Department of Education in
37 October 2019 to improve the literacy of students with, or at
38 risk for, dyslexia."

39 Delete lines 79567 through 79593

40 The motion was _____ agreed to.

41

SYNOPSIS

42

Department of Education

43

Sections 265.10, 265.240, and 265.333

44

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51

Removes SLF Fund 7017 appropriation item 200616, Literacy Improvement, with appropriations of \$500,000 in each fiscal year, to be used to provide grants to expand the federally funded Model Demonstration Project for Early Identification of Students with Dyslexia Grant Program, which funds pilot programs to address the literacy needs of students in preschool through first grade, to additional schools. Moves the funding to the GRF.

52

53

54

Increases GRF appropriation item 200566, Literacy Improvement, by \$500,000 in each fiscal year and earmarks the same amounts to support the Dyslexia Grant Program.

55

56

Decreases GRF appropriation item 200550, Foundation Funding - All Students, by \$500,000 in each fiscal year.

57

58

59

Increases SLF Fund 7017 appropriation item 200612, Foundation Funding - All Students, by \$500,000 in each fiscal year.

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Requires school districts, community schools, STEM schools, or chartered nonpublic schools wishing to participate to apply to the Superintendent of Public Instruction and the Superintendent to select participating districts and schools according to criteria determined by the Superintendent.

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68

Permits the Department of Education to use up to 10% of the amount appropriated in each fiscal year for program administration and for support of districts and schools in identifying and serving students with dyslexia.

_____ moved to amend as follows:

1 In line 31243, strike through the semicolon

2 In line 31244, strike through "(C) All "challenged school
3 districts"

4 In line 31246, delete the underlined quotation mark

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Challenged school districts**

8 **R.C. 3314.353**

9 Removes the requirement that the Department of Education
10 annually publish a list of challenged school districts.

_____ moved to amend as follows:

1 After line 88954, insert:

2 **"Section 733.____.** Notwithstanding the dates prescribed by
3 division (D) of section 3311.054 of the Revised Code, not later
4 than July 1, 2022, the governing board of an educational service
5 center established under that section shall redistrict the
6 educational service center's territory into a number of
7 subdistricts equal to the number of board members designated
8 under division (B)(1) of that section, based on the results of
9 the 2020 decennial census. At the regular municipal election
10 held in November 2023, all elected governing board members shall
11 again be elected from the subdistricts created under this
12 section.

13 If a governing board fails to redistrict the territory of
14 its educational service center in accordance with this section,
15 the Superintendent of Public Instruction shall redistrict the
16 service center not later than August 1, 2022."

17 The motion was _____ agreed to.

18

SYNOPSIS

19

ESC governing board subdistricts

20

Section 733.____

21

Permits an educational service center (ESC) board to delay its next redistricting until July 1, 2022.

22

23

Requires the Superintendent of Public Instruction, by August 1, 2022, to redistrict an ESC, if a board fails to do so.

24

25

Delays the first election for board members under the new organization until November 2023.

26

27

(Continuing law requires each ESC that has subdistricts to reconfigure them every 10 years so that each member fairly represents about the same number of people. Generally, this redistricting must be completed within 90 days after the official announcement of the results of each federal decennial census. If a governing board fails to redistrict its territory by that date, the state Superintendent must redistrict it within 30 days thereafter.)

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_____ moved to amend as follows:

1 After line 88907, insert:

2 **"Section 715.____.** (A) (1) The Director of Natural Resources
3 shall enter into a cooperation agreement with the Malabar Farm
4 Foundation to mutually support and advance the shared objectives
5 of protecting, conserving, and educating the public concerning
6 Malabar Farm State Park and the legacy of Louis Bromfield.

7 (2) The Director and the Foundation shall enter into the
8 agreement within thirty days after the effective date of this
9 section. The agreement shall be for two years beginning on the
10 date of execution.

11 (3) The agreement shall contain all of the following:

12 (a) Specifications for an annual planning meeting;

13 (b) Written plans for the Park;

14 (c) A delineation of each party's authority over the
15 operation of the Park's properties, including financial accounts
16 for projects and donations and public communication
17 responsibilities via the internet and other formats;

18 (d) Assignments of rights or interests under the terms of
19 the agreement by the Department of Natural Resources;

20 (e) Procedures by which the agreement may be amended;

21 (f) A statement that the Foundation represents and warrants
22 that it is duly authorized to transact business in this state of
23 the type and nature required for the operation of the agreement;

24 (g) A severability clause;

25 (h) Provisions governing the waiver of exercising remedies
26 under the agreement;

27 (i) A description regarding who from each party may have
28 designated authority under the agreement;

29 (j) A nondiscrimination clause specifying that the parties
30 shall not discriminate on account of race, color, religion,
31 national origin, ancestry, age, military status, disability, or
32 gender;

33 (k) Contact information for questions that may arise
34 concerning the Park;

35 (l) Provisions governing ethics and conflicts of interest,
36 including procedures for ensuring compliance with those
37 provisions;

38 (m) A statement that obligations of the State are subject
39 to provisions of Section 126.07 of the Revised Code; and

40 (n) Procedures for mediation or arbitration should disputes
41 arise regarding the agreement.

42 (B) (1) The Director of Natural Resources shall enter into a
43 lease agreement with the Malabar Farm Foundation for the
44 Foundation to lease the following:

45 (a) The second floor of the Berry House that is to be used
46 by the Foundation for office space, meetings, storage, and other
47 activities; and

48 (b) Use of the kitchen area on the first floor of the Berry
49 House along with other authorized organizations.

50 (2) The Director and the Foundation shall enter into the
51 lease agreement within thirty days after the effective date of
52 this section. The lease agreement shall be for two years
53 beginning on the date of execution.

54 (3) The lease agreement shall contain all of the following
55 concerning the leased property:

56 (a) A description of the property and personal property
57 items owned or allowed for use by the Foundation;

58 (b) Lease payment terms;

59 (c) A description of authority over the property;

60 (d) A description of authorized uses of the property and
61 activities that may be conducted on the property;

62 (e) A description of which law enforcement entities have
63 authority on the property;

64 (f) A description of responsibilities for utilities and
65 associated charges;

66 (g) Maintenance plans;

67 (h) Provisions for alterations or improvements to the
68 property;

69 (i) Provisions for inspection by the state;

70 (j) A provision describing the standards of service to be
71 provided by the Foundation, which shall assure that the
72 Foundation provides services authorized under the lease
73 agreement to the highest standards prevailing for similar
74 operations;

75 (k) Assignments of rights or interests under the terms of
76 the lease agreement by the Department of Natural Resources;

77 (l) Insurance requirements;

78 (m) An indemnification clause;

79 (n) Provisions governing a default by the Foundation of its
80 obligations under the lease, including provisions governing the
81 effect of a default;

82 (o) Provisions governing the cancellation of the lease;

83 (p) A statement that the Division does not warrant the
84 title to the lands upon which the property is located;

85 (q) A statement that the lease agreement does not grant to
86 the Foundation the exclusive use of the Park;

87 (r) Relocation provisions in the event that, because of
88 public interest purposes, the property cannot be used by the
89 Foundation;

90 (s) Provisions governing the removal of the Foundation's
91 property after lease termination;

92 (t) Procedures for the amendment of the lease agreement;

93 (u) A statement that the Foundation represents and warrants
94 that it is duly authorized to transact business in this state of
95 the type and nature required for the operation of the property
96 leased under the lease agreement;

97 (v) A severability clause;

98 (w) Provisions governing the waiver of obligations under
99 the lease;

100 (x) A description regarding who from each party may have
101 designated authority under the lease;

102 (y) A nondiscrimination clause specifying that the parties
103 shall not discriminate on account of race, color, religion,
104 national origin, ancestry, age, military status, disability, or
105 gender;

106 (z) Contact information for questions that may arise
107 concerning the lease;

108 (aa) A statement that the Foundation certifies that it has
109 reviewed and understands the Ohio Ethics and Conflict of
110 Interest Laws and will take no action inconsistent with those
111 laws;

112 (bb) A statement that obligations of the State are subject
113 to provisions of Section 126.07 of the Revised Code; and

114 (cc) Procedures for mediation or arbitration should
115 disputes arise regarding the lease."

116 The motion was _____ agreed to.

117 SYNOPSIS

118 **Malabar Farm: Agreements between ODNR and Foundation**

119 **Section 715. __**

120 Requires the Director of Natural Resources to enter into a
121 cooperation agreement with the Malabar Farm Foundation for two
122 years beginning on the date of execution.

123 Requires the cooperation agreement to contain a variety of
124 terms and provisions, including specifications for an annual
125 planning meeting, written plans for the Malabar Farm Park, and
126 each party's authority over the operation of the Park's
127 properties.

128 Also requires the Director to enter into a lease agreement
129 with the Foundation for two years beginning on the date of
130 execution to lease office space to the Foundation (located on
131 the second floor of the Berry House) and use of the kitchen area
132 on the first floor of the Berry House.

133 Requires the lease agreement to contain a variety of
134 contractual terms and provisions, including lease payment terms,
135 a description of authority over the property, and authorized
136 uses and activities allowed on the property.

_____ moved to amend as follows:

1 In line 48103, delete "section" and insert "sections";
2 after "4303.185" insert "and 4303.27"

3 In line 48104, after "send" insert "or transport"

4 In line 48109, delete "section" and insert "sections";
5 after "4303.185" insert "and 4303.27"

6 In line 48110, after "send" insert "or transport"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Illegal shipment of beer or wine**

10 **R.C. 4303.236**

11 For purposes of the prohibitions against shipping beer or
12 wine without an S-1 or S-2 liquor permit or registering as a
13 fulfilment warehouse, does both of the following:

14 1. Clarifies that the prohibitions apply to the transport
15 of a shipment of beer or wine (retains the bill's application to
16 sending a shipment of beer or wine);

17 2. Clarifies that specified liquor permit holders may
18 continue to deliver or ship beer or wine.

_____ moved to amend as follows:

- 1 In line 45269, delete "issuer or" and insert "issuer,
2 including a"; after "manager" insert a comma
- 3 In line 45271, delete "covered person's"
- 4 In line 45272, delete "drug" and insert "and all drugs"
- 5 In line 45274, delete "the"
- 6 In line 45275, delete "drug" and insert "any and all
7 covered drugs"
- 8 In line 45276, delete everything after "(2)"
- 9 Delete line 45277
- 10 In line 45278, delete "(3)"; delete "and clinically
11 appropriate"
- 12 In line 45279, delete "alternatives for the drug" and
13 insert "for any and all covered drugs"
- 14 In line 45281, delete "drug or"
- 15 In line 45282, delete "alternatives" and insert "drugs"
- 16 In line 45283, delete "(4)" and insert "(3)"
- 17 In line 45284, delete "the drug or clinically appropriate
18 alternatives" and insert "any and all covered drugs"

19 In line 45296, delete "issuer or" and insert "issuer,
20 including a"

21 In line 45297, insert a comma after "manager"

22 Delete lines 45354 to 45356 and insert:

23 "(I) Divisions (A) to (H) of this section take effect
24 January 1, 2022."

25 The motion was _____ agreed to.

26 SYNOPSIS

27 **Clinically appropriate alternatives and technical changes**

28 **R.C. 3902.72**

29 Removes the requirement that a health plan issuer,
30 including a pharmacy benefit manager, disclose certain
31 information regarding clinically appropriate alternatives to
32 covered drugs.

33 Removes language stating that failure to comply with the
34 drug data disclosure requirements constitutes an unfair and
35 deceptive act or practice in the business of insurance.

36 Makes the drug data disclosure requirements effective
37 January 1, 2022.

38 Makes technical changes.

_____ moved to amend as follows:

1 In line 163 of the title, delete "4911.021,"

2 In line 70923, delete "4911.021,"

3 The motion was _____ agreed to.

4 SYNOPSIS

5 **OCC call center**

6 **R.C. 4911.021**

7 By removing the repeal of R.C. 4911.021 from the bill,
8 maintains the current law that (1) prohibits the Consumers'
9 Counsel from operating a telephone call center for consumer
10 complaints but (2) allows the Consumers' Counsel to assist any
11 consumers that call or forward their calls to the Public
12 Utilities Commission's call center.

_____ moved to amend as follows:

1 In line 82638, delete "Department to make" and insert
2 "payment of"

3 In line 82639, delete "rebate payments to pharmaceutical
4 manufacturers" and insert "rebates"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Value-based purchasing supplemental rebate**

8 **Section 333.215**

9 Makes a corrective change to remove a reference to the
10 Department of Medicaid making the value-based purchasing
11 supplemental rebate payments.

_____ moved to amend as follows:

1 In line 24981, delete "The" and insert "Not later than
2 February 1, 2022, the"

3 After line 24991, insert:

4 "For the purposes of division (B) of this section, not
5 later than the first day of January of each year, each school
6 district that has a school building described in division (A) (1)
7 or (C) of section 3310.03 of the Revised Code shall submit to
8 the department, in the manner prescribed by the department, the
9 attendance zone for students assigned to that building."

10 In line 25021, delete "(1)"; strike through "A priority
11 application period shall open on the first"

12 In line 25022, strike through "day of February"; delete
13 "and close the first day of May"; strike through "prior to the
14 first"

15 Strike through line 25023

16 In line 25024, strike through ". The department"; delete
17 "of"

SC4494X2

18 In line 25025, delete "education"; strike through "shall";
19 delete "determine whether applicants under this division"

20 In line 25026, delete "are eligible for scholarships and";
21 strike through "award scholarships under this"

22 Strike through lines 25027 through 25029

23 In line 25030, delete "(2)"; strike through "The
24 department"; delete "of education"; strike through "shall
25 continue to"; delete "accept"

26 In line 25031, delete "applications and"; strike through
27 "award scholarships after the priority application"

28 In line 25032, strike through "period closes."; delete "For
29 an application submitted under this division,"

30 Delete lines 25033 through 25036

31 In line 25037, strike through "If the department"; delete
32 "of education"; strike through "awards a scholarship after the"

33 Strike through lines 25038 and 25039

34 In line 25040, strike through "remains. The department";
35 delete "of education"; strike through "shall continue to award"

36 Strike through lines 25041 through 25043

37 After line 25043, insert:

38 "(1) The application period shall open on the first day of
39 February prior to the first day of July of the school year for
40 which a scholarship is sought. Not later than forty-five days

41 after an applicant submits to the department of education a
42 completed application, the department of education shall
43 determine whether that applicant is eligible for a scholarship
44 and notify the applicant whether or not the applicant is
45 eligible. The department of education shall award a scholarship
46 to each student with an approved application. However, for any
47 application submitted after the beginning of the school year,
48 the department of education shall prorate the amount of the
49 awarded scholarship based on how much of the school year
50 remains."

51 In line 25044, delete "(3)" and insert "(2)"

52 In line 28143, strike through the comma and insert "and"

53 In line 28145, strike through "periods" and insert "period"

54 In line 28146, strike through ", and shall establish
55 criteria for the selection of"

56 Strike through lines 28147 through 28150

57 In line 28151, strike through "the state superintendent"

58 In line 28154, strike through ", at any time before the
59 beginning of the"

60 In line 28155, strike through "school year,"

61 In line 28161 strike through "By the fifteenth day of
62 February of the preceding school"

SC4494X2

63 In line 28162, strike through "year, or at any time prior
64 to the start of the school year, the" and insert "The"

65 In line 28168, strike through "By the fifteenth day of
66 March of the preceding school"

67 Strike through line 28169

68 In line 28170, strike through "February and was admitted
69 by" and insert "By"

70 In line 28172, strike through everything after "(ii)"

71 In line 28173, strike through "the student is admitted" and
72 insert "By the school"

73 Strike through lines 28326 through 28352

74 After line 28352, insert:

75 "(H) The department shall open the application period on
76 the first day of February prior to the first day of July of the
77 school year for which a scholarship is sought. Not later than
78 forty-five days after an applicant submits to the department of
79 education a completed application, the department of education
80 shall determine whether that applicant is eligible for a
81 scholarship and notify the applicant whether or not the
82 applicant is eligible. The department of education shall award a
83 scholarship to each student with an approved application.
84 However, for any application submitted after the beginning of
85 the school year, the department of education shall prorate the

86 amount of the awarded scholarship based on how much of the
87 school year remains."

88 The motion was _____ agreed to.

89 SYNOPSIS

90 **Ed Choice and Cleveland scholarship application procedures**

91 **R.C. 3310.07, 3310.16, and 3313.978**

92 Requires the Department of Education to establish a system
93 under which an applicant for a performance-based Educational
94 Choice (Ed Choice) scholarship may input an address to determine
95 scholarship eligibility by February 1, 2022. (Under the
96 substitute bill, there is no deadline).

97 Replaces provisions of the substitute bill regarding the
98 priority application period and rolling application period
99 prescribed under current law for Ed Choice scholarships, and the
100 application periods prescribed under current law for the
101 Cleveland scholarship, with a new application period for both
102 types of scholarships, as follows:

103 (1) Requires the application period to open February 1
104 prior to the school year for which a scholarship is sought;

105 (2) Requires the Department, within 45 days of receiving a
106 completed application, to determine whether an applicant is
107 eligible for a scholarship and notify the applicant;

108 (3) Requires the Department to award a scholarship to each
109 applicant with an approved application, but provides that an
110 applicant who submitted an application after the beginning of
111 the school year must receive a prorated scholarship amount based
112 on how much of the school year remains.

SC4496

20 Grant, to the Executive level by increasing the earmark by
21 \$500,000 in FY 2022 to \$1,000,000 in that fiscal year (the FY
22 2023 earmark remains unchanged at \$1,000,000).

23 Restores an earmark for Communities In Schools in FED Fund
24 3V60 appropriation item 600689, TANF Block Grant, to the House
25 Passed level by earmarking \$250,000 in FY 2022 and reducing the
26 FY 2023 earmark by \$250,000 (from \$500,000 to \$250,000).

_____ moved to amend as follows:

1 In line 36976, delete "June" and insert "April"

2 In line 36987, delete "not later than the first day of
3 June"

4 Delete line 36988

5 In line 36989, delete "develop and"

6 In line 36990, delete "not later than the first"

7 In line 36991, delete "day of July of that school year" and
8 insert "within sixty days after receiving the information
9 described in that division"; after the underlined period, insert
10 "If a school provides the start and end times to the school
11 district after the first day of April but before the first day
12 of July, the district shall attempt to provide a transportation
13 plan to the school by the first day of August of that school
14 year."

15 In line 36993, delete "June" and insert "July"

16 In line 36995, delete "calendar" and insert "business"

17 In line 37109, reinsert "not less than"

18 In line 37110, delete "equal to"

SC4499X2

19 In line 37111, delete "of the cost of providing"; strike
20 through "transportation"; delete "as determined by the"

21 Delete line 37112

22 In line 37113, delete "section"; reinsert "the amount
23 determined by the"

24 Reinsert line 37114

25 In line 37115, reinsert "transportation for the previous
26 school year"; delete "two thousand five"

27 In line 37116, delete "hundred dollars"

28 In line 77669, delete "equal"

29 In line 77670, delete "to" and insert "not less than";
30 delete everything after "cent"

31 Delete line 77671

32 In line 77672, delete everything before "and"

33 In line 77673, delete "\$2,500" and insert "the amount
34 determined by the Department as the average cost of pupil
35 transportation for the previous school year"

36 The motion was _____ agreed to.

37 SYNOPSIS

38 **Transportation for community and chartered nonpublic school**
39 **students - transportation plans**

40 **R.C. 3327.016**

41 Requires a community school or chartered nonpublic school
42 to establish start and end times for the school year by April 1,

43 rather than June 1 as in the bill, of the prior school year and
44 provide them to each district expected to be responsible for
45 transporting its students.

46 Requires each district to use the start and end times to
47 develop and provide a transportation plan for a community or
48 chartered nonpublic school within 60 days after receiving the
49 start and end times from the school, rather than July 1 as in
50 the bill.

51 Requires each district to develop a transportation plan for
52 any student who enrolls in a community or nonpublic school after
53 July 1, rather than June 1 as in the bill, within 14 business
54 days, rather than 14 calendar days as in the bill.

55 Requires a school district to attempt to provide a
56 transportation plan to a community or chartered nonpublic school
57 by August 1 if the school provides its start and end times after
58 April 1 but before July 1.

59 **Payment in lieu of transportation**

60 **R.C. 3327.02; Section 265.150**

61 Removes from the bill the specification that payment in
62 lieu of transportation amount must equal 50% of the cost of
63 providing transportation to a student, as determined by the
64 school district or school, but not more than \$2,500.

65 Requires instead that payments in lieu of transportation,
66 be not less than 50% but not more than the amount determined by
67 the Department of Education as the average cost of pupil
68 transportation for the previous school year.

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L-134-0001-5

_____ moved to amend as follows:

In line 65 of the title, after "3333.049," insert "3333.051," 1

In line 68 of the title, after "3335.38," insert "3354.01, 2
3357.09, 3358.01," 3

In line 260, after "3333.049," insert "3333.051," 4

In line 262, after "3335.38," insert "3354.01, 3357.09, 5
3358.01," 6

After line 37238, insert: 7

"**Sec. 3333.051.** (A) The chancellor of higher education shall 8
establish a program under which a community college established 9
under Chapter 3354., technical college established under Chapter 10
3357., or state community college established under Chapter 3358. 11
of the Revised Code may apply to the chancellor for authorization 12
to offer applied bachelor's and nursing bachelor's degree 13
programs. 14

The chancellor may approve programs under this section that 15
demonstrate all of the following: 16

(1) Evidence of an agreement between the college and a 17
regional business or industry to train students in an in-demand 18
field and to employ students upon their successful completion of 19
the program; 20

(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation;

(3) Supporting data that identifies the specific workforce need the program will address;

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university;

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program.

~~(B) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations~~ The chancellor shall approve the creation of any nursing bachelor's degree program proposed by a community, state community, or technical college that meet the requirements prescribed in divisions (A)(1) to (5) of this section and the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. Upon the approval of the chancellor the institution shall establish an accredited nursing bachelor's degree program.

(C) As used in this section:

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following:

(a) Specifically designed for an individual who holds an

associate of applied science degree, or its equivalent, in order 50
to maximize application of the individual's technical course 51
credits toward the bachelor's degree; 52

(b) Based on curriculum that incorporates both theoretical 53
and applied knowledge and skills in a specific technical field. 54

(2) "Private college or university" means a nonprofit 55
institution that holds a certificate of authorization pursuant to 56
Chapter 1713. of the Revised Code. 57

(3) "State university" has the same meaning as in section 58
3345.011 of the Revised Code." 59

After line 37872, insert: 60

"**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the 61
Revised Code: 62

(A) "Community college district" means a political 63
subdivision of the state and a body corporate with all the powers 64
of a corporation, comprised of the territory of one or more 65
contiguous counties having together a total population of not less 66
than seventy-five thousand preceding the establishment of such 67
district, and organized for the purpose of establishing, owning, 68
and operating a community college within the territory of such 69
district. 70

(B) "Contiguous counties" means counties so located that each 71
such county shares at least one boundary in common with at least 72
one other such county in the group of counties referred to as 73
being "contiguous." 74

(C) "Community college" means a public institution of 75
education beyond the high school organized for the principal 76
purpose of providing for the people of the community college 77

district wherein such college is situated the instructional
 programs defined in this section as "arts and sciences" and
 "technical," or either, and may include the "adult-education"
 program as defined in this section. Except for applied bachelor's
 degree programs or nursing bachelor's degree programs approved by
 the chancellor of higher education under section 3333.051 of the
 Revised Code, instructional programs shall not exceed two years in
 duration.

A university maintained and operated by a municipality
 located in a county having a total population equal to the
 requirement for a community college district as set forth in
 division (A) of section 3354.01 of the Revised Code and is found
 by the chancellor of higher education to offer instructional
 programs which are needed in the community and which are
 equivalent to those required of community colleges shall be, for
 the purposes of receiving state or federal financial aid only,
 considered a community college and shall receive the same state
 financial assistance granted to community colleges but only in
 respect to students enrolled in their first and second year of
 post high school education in the kinds of instructional programs
 offered by the municipal university.

(D) "Arts and sciences program" means both of the following:

(1) A curricular program of two years or less duration,
 provided within a community college, planned and intended to
 enable students to gain academic credit for courses generally
 comparable to courses offered in the first two years in accredited
 colleges and universities in the state, and designed either to
 enable students to transfer to such colleges and universities for
 the purpose of earning baccalaureate degrees or to enable students
 to terminate academic study after two years with a proportionate

recognition of academic achievement.	108
(2) An applied bachelor's degree program <u>or nursing</u>	109
<u>bachelor's degree program</u> approved and offered under section	110
3333.051 of the Revised Code.	111
(E) "Adult-education program" means the dissemination of post	112
high school educational service and knowledge, by a community	113
college, for the occupational, cultural, or general educational	114
benefit of adult persons, such educational service and knowledge	115
not being offered for the primary purpose of enabling such persons	116
to obtain academic credit or other formal academic recognition.	117
(F) "Charter amendment" means a change in the official plan	118
of a community college for the purpose of acquiring additional	119
lands or structures, disposing of or transferring lands or	120
structures, erection of structures, or creating or abolishing of	121
one or more academic departments corresponding to generally	122
recognized fields of academic study.	123
(G) "Technical program" means a post high school curricular	124
program of two years or less duration, provided within a community	125
college, planned and intended to enable students to gain academic	126
credit for courses designed to prepare such students to meet the	127
occupational requirements of the community.	128
(H) "Operating costs" means all expenses for all purposes of	129
the community college district except expenditures for permanent	130
improvements having an estimated life of usefulness of five years	131
or more as certified by the fiscal officer of the community	132
college district.	133
(I) "Applied bachelor's degree" has the same meaning as in	134
section 3333.051 of the Revised Code.	135

Sec. 3357.09. The board of trustees of a technical college 136
district may: 137

(A) Own and operate a technical college, pursuant to an 138
official plan prepared and approved in accordance with section 139
3357.07 of the Revised Code; 140

(B) Hold, encumber, control, acquire by donation, purchase, 141
or condemnation, construct, own, lease, use, and sell, real and 142
personal property as necessary for the conduct of the program of 143
the technical college on whatever terms and for whatever 144
consideration may be appropriate for the purposes of the 145
institution; 146

(C) Accept gifts, grants, bequests, and devises absolutely or 147
in trust for support of the technical college; 148

(D) Appoint the president, faculty, and such other employees 149
as necessary and proper for such technical college, and fix their 150
compensation; 151

(E) Provide for a technical college necessary lands, 152
buildings or other structures, equipment, means, and appliances; 153

(F) Develop and adopt, pursuant to the official plan, any one 154
or more of the curricular programs identified in section 3357.01 155
of the Revised Code as technical-college programs, or 156
adult-education technical programs, and applied bachelor's degree 157
programs or nursing bachelor's degree programs under section 158
3333.051 of the Revised Code; 159

(G) Except as provided in sections 3333.17 and 3333.32 of the 160
Revised Code, establish schedules of fees and tuition for: 161
students who are residents of the district; students who are 162
residents of Ohio but not of the district; students who are 163
nonresidents of Ohio. The establishment of rules governing the 164

determination of residence shall be subject to approval of the
 chancellor of higher education. Students who are nonresidents of
 Ohio shall be required to pay higher rates of fees and tuition
 than the rates required of students who are residents of Ohio but
 not of the district, and students who are residents of the
 district shall pay smaller tuition and fee rates than the rates
 for either of the above categories of nonresident students, except
 that students who are residents of Ohio but not of the district
 shall be required to pay higher fees and tuition than students who
 are residents of the district only when a district tax levy has
 been adopted and is in effect under the authority of section
 3357.11, 5705.19, or 5705.191 of the Revised Code.

(H) Authorize, approve, ratify, or confirm, with approval of
 the chancellor, any agreement with the United States government,
 acting through any agency designated to aid in the financing of
 technical college projects, or with any person, organization, or
 agency offering grants-in-aid for technical college facilities or
 operation;

(I) Receive assistance for the cost of equipment and for the
 operation of such technical colleges from moneys appropriated for
 technical education or for matching of Title VIII of the "National
 Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e.
 Moneys shall be distributed by the chancellor in accordance with
 rules which the board shall establish governing its allocations to
 technical colleges chartered under section 3357.07 of the Revised
 Code.

(J) Grant appropriate associate degrees to students
 successfully completing the technical college programs,
 appropriate applied bachelor's degrees to students successfully
 completing applied bachelor's degree programs, appropriate

<u>bachelor's degrees to students successfully completing nursing</u>	195
<u>bachelor's degree programs offered pursuant to section 3333.051 of</u>	196
<u>the Revised Code</u> , and certificates of achievement to those	197
students who complete other programs;	198
(K) Prescribe rules for the effective operation of a	199
technical college, and exercise such other powers as are necessary	200
for the efficient management of such college;	201
(L) Enter into contracts and conduct technical college	202
programs or technical courses outside the technical college	203
district;	204
(M) Enter into contracts with the board of education of any	205
local, exempted village, or city school district or the governing	206
board of any educational service center to permit the school	207
district or service center to use the facilities of the technical	208
college district;	209
(N) Designate one or more employees of the institution as	210
state university law enforcement officers, to serve and have	211
duties as prescribed in section 3345.04 of the Revised Code;	212
(O) Subject to the approval of the chancellor, offer	213
technical college programs or technical courses for credit at	214
locations outside the technical college district. For purposes of	215
computing state aid, students enrolled in such courses shall be	216
deemed to be students enrolled in programs and courses at	217
off-campus locations in the district.	218
(P) Purchase a policy or policies of liability insurance from	219
an insurer or insurers licensed to do business in this state	220
insuring its members, officers, and employees against all civil	221
liability arising from an act or omission by the member, officer,	222
or employee, when the member, officer, or employee is not acting	223
manifestly outside the scope of the member's, officer's, or	224

employee's employment or official responsibilities with the 225
institution, with malicious purpose or bad faith, or in a wanton 226
or reckless manner, or may otherwise provide for the 227
indemnification of such persons against such liability. All or any 228
portion of the cost, premium, or charge for such a policy or 229
policies or indemnification payment may be paid from any funds 230
under the institution's control. The policy or policies of 231
liability insurance or the indemnification policy of the 232
institution may cover any risks including, but not limited to, 233
damages resulting from injury to property or person, professional 234
liability, and other special risks, including legal fees and 235
expenses incurred in the defense or settlement of claims for such 236
damages. 237

Any instrument by which real property is acquired pursuant to 238
this section shall identify the agency of the state that has the 239
use and benefit of the real property as specified in section 240
5301.012 of the Revised Code. 241

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the 242
Revised Code: 243

(A) "State community college district" means a political 244
subdivision composed of the territory of a county, or of two or 245
more contiguous counties, in either case having a total population 246
of at least one hundred fifty thousand, and organized for the 247
purpose of establishing, owning, and operating a state community 248
college within the district or a political subdivision created 249
pursuant to division (A) of section 3358.02 of the Revised Code. 250

(B) "State community college" means a two-year institution, 251
offering a baccalaureate-oriented program, technical education 252
program, or an adult continuing education program. The extent to 253

which the college offers baccalaureate-oriented and technical 254
programs shall be determined in its charter. However, a state 255
community college may offer applied bachelor's degree programs or 256
nursing bachelor's degree programs pursuant to section 3333.051 of 257
the Revised Code. 258

(C) "Baccalaureate-oriented program" means a curricular 259
program of not more than two years' duration that is planned and 260
intended to enable students to gain academic credit for courses 261
comparable to first- and second-year courses offered by accredited 262
colleges and universities. The purpose of baccalaureate-oriented 263
coursework in state community colleges is to enable students to 264
transfer to colleges and universities and earn baccalaureate 265
degrees or to enable students to terminate academic study after 266
two years with a proportionate recognition of academic achievement 267
through receipt of an associate degree. 268

(D) "Technical education program" means a post high school 269
program of not more than two years' duration that is planned and 270
intended to prepare students to pursue employment or improve 271
technical knowledge in careers generally but not exclusively at 272
the semiprofessional level. Technical education programs include, 273
but are not limited to, programs in the technologies of business, 274
engineering, health, natural science, and public service and are 275
programs which, after two years of academic study, result in 276
proportionate recognition of academic achievement through receipt 277
of an associate degree. 278

(E) "Adult continuing education program" means the offering 279
of short courses, seminars, workshops, exhibits, performances, and 280
other educational activities for the general educational or 281
occupational benefit of adults. 282

(F) "Applied bachelor's degree" has the same meaning as in 283

section 3333.051 of the Revised Code."	284
In line 70874, after "3333.049," insert "3333.051,"	285
In line 70876, after "3335.38," insert "3354.01, 3357.09, 3358.01,"	286 287

The motion was _____ agreed to.

SYNOPSIS

Nursing bachelor's degree programs	288
R.C. 3333.051; conforming changes in R.C. 3354.01, 3357.09, and 3358.01	289 290
Requires the Chancellor of Higher Education to approve any	291
nursing bachelor's degree program proposed by a community college,	292
state community college, and technical college, if those programs	293
meet certain requirements under continuing law and the standards	294
and procedures for academic program approval under continuing law.	295

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L-134-0001-5

_____ moved to amend as follows:

In line 71 of the title, after "3701.831," insert "3702.304," 1

In line 265, after "3701.831," insert "3702.304," 2

After line 39596, insert: 3

"**Sec. 3702.304.** (A)(1) The director of health may grant a 4
variance from the written transfer agreement requirement of 5
section 3702.303 of the Revised Code if the ambulatory surgical 6
facility submits to the director a complete variance application, 7
prescribed by the director, and the director determines after 8
reviewing the application that the facility is capable of 9
achieving the purpose of a written transfer agreement in the 10
absence of one. The director's determination is final. 11

(2) Not later than sixty days after receiving a variance 12
application from an ambulatory surgical facility, the director 13
shall grant or deny the variance. A variance application that has 14
not been approved within sixty days is considered denied. 15

(B) A variance application is complete for purposes of 16
division (A)(1) of this section if it contains or includes as 17
attachments all of the following: 18

(1) A statement explaining why application of the requirement 19
would cause the facility undue hardship and why the variance will 20

not jeopardize the health and safety of any patient;

21

(2) A letter, contract, or memorandum of understanding signed by the facility and one or more consulting physicians who have admitting privileges at a minimum of one local hospital that is located within a twenty-five mile radius of the facility, memorializing the physician or physicians' agreement to provide back-up coverage when medical care beyond the level the facility can provide is necessary;

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(3) For each consulting physician described in division (B)(2) of this section:

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(a) A signed statement in which the physician attests ~~that~~ to all of the following:

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(i) The physician does not teach or provide instruction, directly or indirectly, at a medical school, osteopathic medical school, any state hospital, or other public institution.

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(ii) The physician is not employed by or compensated pursuant to a contract with, and does not provide instruction or consultation to, a medical school, osteopathic medical school, any state hospital, or other public institution.

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(iii) The physician actively practices clinical medicine within a twenty-five mile radius of the facility.

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(iv) The physician is familiar with the facility and its operations, and.

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(v) The physician agrees to provide notice to the facility of any changes in the physician's ability to provide back-up coverage.

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(b) The estimated travel time from the physician's main residence or office to each local hospital where the physician has

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admitting privileges;	49
(c) Written verification that the facility has a record of the name, telephone numbers, and practice specialties of the physician;	50 51 52
(d) Written verification from the state medical board that the physician possesses a valid license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code;	53 54 55 56
(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary.	57 58 59 60 61 62
(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following:	63 64
(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable;	65 66 67
(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care;	68 69 70 71
(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital.	72 73 74
(5) Any other information the director considers necessary.	75
(C) The director's decision to grant, refuse, or rescind a	76

variance is final. 77

(D) The director shall consider each application for a 78
 variance independently without regard to any decision the director 79
 may have made on a prior occasion to grant or deny a variance to 80
 that ambulatory surgical facility or any other facility." 81

In line 70879, after "3701.831," insert "3702.304," 82

After line 80735, insert: 83

"**Section 291.____.** Each ambulatory surgical facility that has 84
 been granted a variance from the written transfer agreement 85
 requirement of section 3702.303 of the Revised Code shall, within 86
 ninety days of the effective date of section 3702.304 of the 87
 Revised Code as amended by this act, submit to the director of 88
 health a complete variance application, in the form and manner 89
 specified by the director, demonstrating compliance with the 90
 requirements established by divisions (B)(2) and (3)(a) of section 91
 3702.304 of the Revised Code, as amended by this act. If the 92
 director determines that a facility has failed to demonstrate 93
 compliance, the director shall rescind the variance." 94

The motion was _____ agreed to.

SYNOPSIS

Variances from written transfer agreements 95

R.C. 3702.304 96

Adds the following requirements to existing law governing 97
 variances from written transfer agreements for ambulatory surgical 98
 facilities (ASF): 99

--The local hospital at which the consulting physician has	100
admitting privileges must be within a 25-mile radius of the ASF;	101
--The consulting physician cannot teach or provide	102
instruction at a medical school, osteopathic medical school, any	103
state hospital, or other public institution;	104
--The consulting physician cannot be employed by, compensated	105
pursuant to a contract with, or otherwise provide instruction or	106
consultation to, a medical school, osteopathic medical school, any	107
state hospital, or other public institution;	108
--The consulting physician must actively practice clinical	109
medicine within a 25-mile radius of the ASF;	110
--An ASF with an existing variance must demonstrate	111
compliance with the new requirements within 90 days of the	112
provisions' effective date, or the variance is rescinded.	113

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_____ moved to amend as follows:

- In line 3 of the title, after "107.03," insert "109.02," 1
- In line 131 of the title, after "5.246," insert "9.58,
101.55," 2
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- In line 214, after "107.03," insert "109.02," 4
- In line 309, after "5.246," insert "9.58, 101.55," 5
- After line 605, insert: 6
- "Sec. 9.58. (A) As used in this section, "public official" 7
means any elected or appointed officer, employee, or agent of the 8
state or any political subdivision, board, commission, bureau, or 9
other public body established by law. 10
- (B) In any civil action in a state or federal court, no 11
public official, including any attorney representing or acting on 12
behalf of a public official, has any authority to compromise or 13
settle the action, consent to any condition, or agree to any order 14
in connection therewith if the compromise, settlement, condition, 15
or order nullifies, suspends, enjoins, alters, or conflicts with 16
any provision of the Revised Code. 17
- (C) Any compromise, settlement, condition, or order to which 18
a public official agrees that conflicts with division (B) of this 19
section is void and has no legal effect. 20

(D) Nothing in this section shall be construed to limit or otherwise restrict any powers granted by Article IV, Ohio Constitution. 21
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Sec. 101.55. (A) When a party to an action in state or federal court challenges the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, the house of representatives, the senate, and the general assembly may intervene to defend against the action as set forth under division (A) of this section at any time in the action as a matter of right by serving motion upon the parties as provided in the Rules of Civil Procedure. 24
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(1) The speaker of the house of representatives may intervene at any time in the action on behalf of the house of representatives. The speaker may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the house of representatives in any action in which the speaker intervenes. 34
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(2) The president of the senate may intervene at any time in the action on behalf of the senate. The president may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the senate in any action in which the president intervenes. 40
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(3) The president of the senate and the speaker of the house of representatives, acting jointly, may intervene at any time in the action on behalf of the general assembly. The president and the speaker, acting jointly, may obtain legal counsel other than 46
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from the attorney general, with the cost of representation paid
from funds appropriated for that purpose, to represent the general
assembly in any action in which the president and speaker jointly
intervene.

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(B) When a party to an action in state or federal court
challenges a general assembly district plan, or any of its
districts, adopted under Article XI, Ohio Constitution, or
challenges a congressional district plan, or any of its districts,
adopted by the Ohio redistricting commission under Article XIX,
Ohio Constitution, the speaker of the house of representatives,
the president of the senate, and the Ohio redistricting commission
may intervene to defend against any such action as set forth under
division (B) of this section at any time in the action as a matter
of right by serving motion upon the parties as provided in the
Rules of Civil Procedure.

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(1) The speaker of the house of representatives may intervene
at any time in the action on behalf of the house of
representatives. The speaker may obtain legal counsel other than
from the attorney general, with the cost of representation paid
from funds appropriated for that purpose, to represent the house
of representatives in any action in which the speaker intervenes.

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(2) The president of the senate may intervene at any time in
the action on behalf of the senate. The president may obtain legal
counsel other than from the attorney general, with the cost of
representation paid from funds appropriated for that purpose, to
represent the senate in any action in which the president
intervenes.

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(3) The president of the senate and the speaker of the house
of representatives, acting jointly, may intervene at any time in
the action on behalf of the Ohio redistricting commission. The

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president and the speaker, acting jointly, may obtain legal
counsel other than from the attorney general, with the cost of
representation paid from funds appropriated for that purpose, to
represent the Ohio redistricting commission in any action in which
the president and speaker jointly intervene.

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(C) No individual member, or group of members, of the senate,
the house of representatives, or the Ohio redistricting
commission, except the president and the speaker as provided under
this section, shall intervene in an action described in this
section or obtain legal counsel at public expense under this
section, in the member's or group's capacity as a member or
members of the senate, the house of representatives, or the Ohio
redistricting commission.

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(D) Notwithstanding any contrary provision of law, the
participation of the speaker of the house of representatives or
the president of the senate in any state or federal action, as a
party or otherwise, does not constitute a waiver of the
legislative immunity or legislative privilege of any member,
officer, or staff of the general assembly."

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After line 1569, insert:

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"Sec. 109.02. The attorney general is the chief law officer
for the state and all its departments and shall be provided with
adequate office space in Columbus. Except as provided in division
(E) of section 120.06 and in sections 101.55 and 3517.152 to
3517.157 of the Revised Code, no state officer or board, or head
of a department or institution of the state shall employ, or be
represented by, other counsel or attorneys at law. The attorney
general shall appear for the state in the trial and argument of
all civil and criminal causes in the supreme court in which the

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state is directly or indirectly interested. When required by the 109
governor or the general assembly, the attorney general shall 110
appear for the state in any court or tribunal in a cause in which 111
the state is a party, or in which the state is directly 112
interested. Upon the written request of the governor, the attorney 113
general shall prosecute any person indicted for a crime." 114

In line 70828, after "107.03," insert "109.02," 115

The motion was _____ agreed to.

SYNOPSIS

Court settlements that nullify, suspend, or conflict with the 116
Revised Code 117

R.C. 9.58 118

Prohibits a public official from settling a civil action in 119
any way that nullifies, suspends, or is in conflict with any 120
provision of the Revised Code. Any settlement that does so is void 121
and has no legal effect. 122

Specifies that this provision does not limit or restrict 123
constitutional judicial authority. 124

General Assembly intervention in lawsuits 125

R.C. 101.55 and 109.02 126

Allows the Speaker of the House of Representatives and the 127
President of the Senate to intervene in any case challenging the 128
constitutionality of a statute on behalf of the House, the Senate, 129
or the General Assembly, and to retain independent legal counsel. 130

Allows the Speaker and the President to intervene in any case 131

challenging a General Assembly or congressional redistricting plan	132
adopted by the Ohio Redistricting Commission on behalf of the	133
House, the Senate, or the Commission, and to retain independent	134
legal counsel.	135

_____ moved to amend as follows:

1 In line 83963, delete "\$4,580,944 \$4,741,277" and insert

2 "\$4,881,554 \$5,076,816"

3 In line 83964, delete "\$1,457,872 \$1,508,898" and insert

4 "\$2,063,870 \$2,146,425"

5 In line 83966, delete "\$130,104,000 \$134,112,000" and

6 insert "\$129,197,392 \$133,138,934"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Public Defender Commission**

10 **Section 371.10**

11 Increases GRF appropriation item 019403, Multi-County:
12 State Share, by \$300,610 in fiscal year 2022 and \$335,539 in
13 fiscal year 2023.

14 Increases GRF appropriation item 019404, Trumbull County -
15 State Share, by \$605,998 in fiscal year 2022 and \$637,527 in
16 fiscal year 2023.

17 Decreases GRF appropriation item 019501, County
18 Reimbursement, by \$906,608 in fiscal year 2022 and \$973,066 in
19 fiscal year 2023.

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L-134-0001-5
DEVCD31

_____ moved to amend as follows:

In line 7 of the title, after "122.178," insert "122.23," 1

In line 217, after "122.178," insert "122.23," 2

After line 4777, insert: 3

"**Sec. 122.23.** As used in sections 122.23 to 122.27 of the 4
Revised Code: 5

(A) "Distressed area" means a county with a population of 6
less than one hundred twenty-five thousand that meets at least two 7
of the following criteria of economic distress: 8

(1) Its average rate of unemployment, during the most recent 9
five-year period for which data are available, is equal to at 10
least one hundred twenty-five per cent of the average rate of 11
unemployment for the United States for the same period. 12

(2) It has a per capita income equal to or below eighty per 13
cent of the median county per capita income of the United States 14
as determined by the most recently available figures from the 15
United States census bureau. 16

(3) In intercensal years, the county has a ratio of transfer 17
payment income to total county income equal to or greater than 18

twenty-five per cent. 19

(B) "Eligible applicant" means any of the following that is 20
designated by the governing body of an eligible area as provided 21
in division (B)(1) of section 122.27 of the Revised Code: 22

(1) A port authority as defined in division (A) of section 23
4582.01 or division (A) of section 4582.21 of the Revised Code; 24

(2) A community improvement corporation as defined in section 25
1724.01 of the Revised Code; 26

(3) A community-based organization or action group that 27
provides social services and has experience in economic 28
development; 29

(4) Any other nonprofit economic development entity; 30

(5) A private developer that previously has not received 31
financial assistance under section 122.24 of the Revised Code and 32
that has experience and a successful history in industrial 33
development. 34

(C) "Eligible area" means a distressed area, a labor surplus 35
area, a rural area, or a situational distress area, as designated 36
annually by the director of development pursuant to division (A) 37
of section 122.25 of the Revised Code. 38

(D) "Labor surplus area" means an area designated as a labor 39
surplus area by the United States department of labor. 40

(E) "Official poverty line" has the same meaning as in 41
division (A) of section 3923.51 of the Revised Code. 42

(F) "Situational distress area" means a county that has a 43
population of less than one hundred twenty-five thousand, or a 44
municipal corporation in such a county, that has experienced or is 45
experiencing a closing or downsizing of a major employer that will 46

adversely affect the county's or municipal corporation's economy. 47
In order to be designated as a situational distress area for a 48
period not to exceed thirty-six months, the county or municipal 49
corporation may petition the director of development. The petition 50
shall include documentation that demonstrates all of the 51
following: 52

(1) The number of jobs lost by the closing or downsizing; 53

(2) The impact that the job loss has on the county's or 54
municipal corporation's unemployment rate as measured by the 55
director of job and family services; 56

(3) The annual payroll associated with the job loss; 57

(4) The amount of state and local taxes associated with the 58
job loss; 59

(5) The impact that the closing or downsizing has on the 60
suppliers located in the rural county or municipal corporation. 61

(G) "Governing body" means, in the case of a county, the 62
board of county commissioners; in the case of a municipal 63
corporation, the legislative authority; and in the case of a 64
township, the board of township trustees. 65

(H) "Infrastructure improvements" includes site preparation, 66
including building demolition and removal; retention ponds and 67
flood and drainage improvements; streets, roads, bridges, and 68
traffic control devices; parking lots and facilities; water and 69
sewer lines and treatment plants; gas, electric, and 70
telecommunications hook-ups; and waterway and railway access 71
improvements. 72

(I) "Private developer" means any individual, firm, 73
corporation, or entity, other than a nonprofit entity, limited 74
profit entity, or governmental entity. 75

(J) "Rural area" means any Ohio county that is not designated 76
as part of a metropolitan statistical area by the United States 77
office of management and budget." 78
 In line 70831, after "122.178," insert "122.23," 79

The motion was _____ agreed to.

SYNOPSIS

Rural Industrial Park Loan program eligibility 80
R.C. 122.23 81
 Expands eligibility for loans from the Rural Industrial Park 82
 Loan Program to projects located in any rural area, meaning any 83
 Ohio county that is not designated as part of a Metropolitan 84
 Statistical Area by the U.S. Office of Budget and Management, 85
 (rather than only distressed, labor surplus, and situational 86
 distress areas). 87

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 3 of the title, after "109.08," insert "109.111,
109.112," 1
2

In line 214, after "109.08," insert "109.111, 109.112," 3

After line 1591, insert: 4

"**Sec. 109.111.** There is hereby created the attorney general 5
court order fund, which shall be in the custody of the treasurer 6
of state but shall not be part of the state treasury. The fund 7
shall consist of all money ~~collected or received~~ by the attorney 8
general as a result of ~~an any judgment, settlement, compromise of~~ 9
claims, or other final order or judgment of any court ~~to be~~ 10
~~received or secured by, or delivered to, the attorney general for~~ 11
~~transfer, distribution, disbursement, or allocation pursuant to~~ 12
~~court order.~~ All money in the fund, including investment earnings 13
thereon, shall be ~~used~~ distributed solely ~~to make payment as~~ 14
~~directed pursuant to court order~~ in accordance with section 15
109.112 of the Revised Code. 16

Sec. 109.112. (A)(1) Except as otherwise provided in division 17
(A)(2) of this section, in any action in a state or federal court, 18
the attorney general, including any special counsel appointed 19
under section 109.07 of the Revised Code, shall not include or 20

agree to terms or conditions in any settlement that authorizes the 21
expenditure, transfer, or award of money to this state without 22
first obtaining the approval of the governor, the president of the 23
senate, and the speaker of the house of representatives. 24

(2) Division (A)(1) of this section does not apply to a 25
settlement that authorizes the expenditure, transfer, or award of 26
funds to this state if either of the following are true: 27

(a) The total amount of the money does not exceed ten 28
thousand dollars. 29

(b) The money is an amount due to the state or a political 30
subdivision and is being collected under section 131.02 of the 31
Revised Code. 32

(B) If the state of Ohio or any agency or officer of the 33
state is named in a court order to be the recipient of any money 34
collected or received by the attorney general under section 35
109.111 of the Revised Code, the attorney general shall proceed as 36
follows: 37

(1) Except for money described in division (A)(2)(a) or (b) 38
of this section, the attorney general shall notify the chairperson 39
of the finance committee of the house of representatives, the 40
chairperson of the finance committee of the senate, and the 41
director of budget and management of the amount. Subject to the 42
approval of the controlling board, the director, in consultation 43
with the attorney general, shall transfer the money from the 44
attorney general court order fund to the appropriate fund or funds 45
within the state treasury. 46

(2) In the case of any other money, the attorney general 47
shall notify the director of budget and management of the amount 48
of the money to be collected or received under, and the terms of, 49

the court order. The director, in consultation with the attorney 50
 general, shall determine the appropriate distribution of the money 51
 to the appropriate ~~custodial~~ fund or funds within the state 52
 treasury, consistent with the terms of the order. Upon its 53
 collection or receipt, the attorney general shall transfer the 54
 money from the attorney general court order fund to the 55
 appropriate fund or funds as determined by the director." 56

In line 70828, after "109.08," insert "109.111, 109.112," 57

The motion was _____ agreed to.

SYNOPSIS

Court orders awarding money to the state 58

R.C. 109.111 and 109.112 59

Prohibits the Attorney General, in any action in a state or 60
 federal court, from agreeing to a settlement that awards money to 61
 the state without first obtaining the written approval of the 62
 Governor, the President of the Senate, and the Speaker of the 63
 House of Representatives, except for amounts under \$10,000, and 64
 except for any debts the Attorney General is collecting. 65

Requires the Attorney General, upon receiving that type of 66
 money under a court order, to notify the chairpersons of the House 67
 and Senate Finance committees, along with the Director of Budget 68
 and Management. 69

Requires the Controlling Board to approve the transfer of the 70
 money from the Attorney General Court Order Fund to the 71
 appropriate fund or funds in the state treasury. 72

_____ moved to amend as follows:

1 In line 80914, delete the first "\$150,000" and insert
2 "\$200,000"

3 In line 80920, add \$50,000 to fiscal year 2022

4 In line 80971, add \$50,000 to fiscal year 2022

5 After line 81444, insert:

6 "Of the foregoing appropriation item 600551, Job and Family
7 Services Program Support, \$50,000 in fiscal year 2022 shall be
8 provided to the Youngstown Area Jewish Federation to support its
9 mobile meals program."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Department of Job and Family Services**

13 **Sections 307.10 and 307.145**

14 Increases GRF appropriation item 600551, Job and Family
15 Services Program Support, by \$50,000 in FY 2022 and earmarks the
16 funds for the Youngstown Area Jewish Federation.

_____ moved to amend as follows:

1 Delete lines 76951 through 76958 and insert:

2 "(C) (1) For fiscal year 2022, the Department shall pay the
3 following rates for ICF/IID services:

4 (a) For each ICF/IID described in division (B) (1) (a) (i) of
5 this section, the total per Medicaid day rate in effect for the
6 ICF/IID on June 30, 2021, increased by two per cent;

7 (b) For each ICF/IID described in division (B) (1) (a) (ii) of
8 this section, the total per Medicaid day rate in effect for the
9 ICF/IID on the day immediately preceding the effective date of
10 the change of operator;

11 (c) For each ICF/IID described in division (B) (1) (a) (iii)
12 of this section, a total per Medicaid day rate of \$357.89."

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Medicaid rates for ICFs/IID**

16 **Section 261.150**

17 Eliminates a provision that prohibits the mean fiscal year
18 Medicaid rate for ICFs/IID from exceeding \$357.89 in FY 2022 and

SC4511

19 instead establishes the following rates for ICF/IID services for
20 FY 2022:

21 --For a provider that has a valid Medicaid provider
22 agreement for an ICF/IID on June 30, 2021 and during FY 2022,
23 the rate in effect for the ICF/IID on June 30, 2021, increased
24 by two per cent;

25 --For an ICF/IID that undergoes a change of operator during
26 FY 2022 and the existing operator has a valid Medicaid provider
27 agreement for the ICF/IID on the day immediately preceding the
28 effective date of the change of operator, and the entering
29 operator has a valid Medicaid provider agreement for FY 2022, a
30 rate that equals the rate in effect for the ICF/IID on the day
31 immediately preceding the effective date of the change of
32 operator;

33 --For a new ICF/IID for which a provider obtains an initial
34 provider agreement during FY 2022, a rate that equals \$357.89.

_____ moved to amend as follows:

1 In line 37144, reinsert "the state"

2 Reinsert line 37145

3 In line 37146, reinsert "board of education for the
4 previous year"; delete "fifty per cent of the"

5 Delete lines 37147 and 37148

6 In line 37149, delete everything before the period

7 In line 77669 delete "equal"

8 Delete lines 77670 through 77672

9 In line 77673, delete "\$2,500" and insert "that shall be
10 not less than \$250 and not more than the amount determined by
11 the Department as the average cost of pupil transportation for
12 the previous school year"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Payment in lieu of transportation**

16 **R.C. 3327.02**

17 Removes the provision of the bill that changes the payment
18 in lieu of transportation amount to an amount equal to 50% of

19 the cost of providing transportation to the student, as
20 determined by the school district or school, but not more than
21 \$2,500 and restores the current law payment in lieu amount.
22 (Under current law, payment in lieu of transportation is at
23 least \$250 and not more than the amount determined by the State
24 Board of Education as the state average daily cost of
25 transportation for the previous school year.)

26 **Department of Education**

27 **Section 265.150**

28 Changes the amount of a payment in lieu of transportation
29 this biennium from 50% of the cost of providing transportation
30 with a maximum of \$2,500 to not less than \$250 or more than the
31 average cost of pupil transportation the previous year, as
32 determined by ODE.

_____ moved to amend as follows:

- 1 In line 55 of the title, delete "3317.029,"
- 2 In line 160 of the title, after "3314.53," insert
- 3 "3317.029,"
- 4 In line 253, delete "3317.029,"
- 5 Delete lines 32955 through 33069
- 6 In line 70867, delete "3317.029,"
- 7 In line 70921, after "3314.53," insert "3317.029,"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Payment for school district with nuclear plant in its**
11 **territory**

12 **Repealed R.C. 3317.029**

13 Repeals a section of current law that requires the
14 Department of Education, for each of FYs 2019, 2020, and 2021,
15 to make an additional payment to a school district with (1) a
16 nuclear power plant in its territory and (2) a total taxable
17 value of public utility personal property for tax year 2017 that
18 is at least 50% less than that value for tax year 2016.

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_____ moved to amend as follows:

In line 60 of the title, after "3319.236," insert "3319.31," 1

In line 256, after "3319.236," insert "3319.31," 2

After line 35344, insert: 3

"**Sec. 3319.31.** (A) As used in this section and sections 4
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 5
means a certificate, license, or permit described in this chapter 6
or in division (B) of section 3301.071 or in section 3301.074 of 7
the Revised Code. 8

(B) For any of the following reasons, the state board of 9
education, except as provided in division (H) of this section and 10
in accordance with Chapter 119. and section 3319.311 of the 11
Revised Code, may refuse to issue a license to an applicant; may 12
limit a license it issues to an applicant; may suspend, revoke, or 13
limit a license that has been issued to any person; or may revoke 14
a license that has been issued to any person and has expired: 15

(1) Engaging in an immoral act, incompetence, negligence, or 16
conduct that is unbecoming to the applicant's or person's 17
position; 18

(2) A plea of guilty to, a finding of guilt by a jury or 19

court of, or a conviction of any of the following:	20
(a) A felony other than a felony listed in division (C) of this section;	21 22
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	23 24
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	25 26 27
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	28 29 30
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (d) of this section.	31 32 33
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section;	34 35 36 37 38 39
(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.	40 41
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or	42 43 44 45 46 47 48

deny renewal of the license to the person. The state board or the
 superintendent shall revoke a license that has been issued to a
 person to whom this division applies and has expired in the same
 manner as a license that has not expired.

Revocation of a license or denial of renewal of a license
 under this division is effective immediately at the time and date
 that the board or superintendent issues the written order and is
 not subject to appeal in accordance with Chapter 119. of the
 Revised Code. Revocation of a license or denial of renewal of
 license under this division remains in force during the pendency
 of an appeal by the person of the plea of guilty, finding of
 guilt, or conviction that is the basis of the action taken under
 this division.

The state board or superintendent shall take the action
 required by this division for a violation of division (B)(1), (2),
 (3), or (4) of section 2919.22 of the Revised Code; a violation of
 section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11,
 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,
 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21,
 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311,
 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02,
 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,
 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12,
 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11,
 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21,
 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13,
 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or
 3716.11 of the Revised Code; a violation of section 2905.04 of the
 Revised Code as it existed prior to July 1, 1996; a violation of
 section 2919.23 of the Revised Code that would have been a
 violation of section 2905.04 of the Revised Code as it existed

prior to July 1, 1996, had the violation been committed prior to 80
that date; felonious sexual penetration in violation of former 81
section 2907.12 of the Revised Code; or a violation of an 82
ordinance of a municipal corporation that is substantively 83
comparable to an offense listed in this paragraph. 84

(D) The state board may delegate to the superintendent of 85
public instruction the authority to revoke a person's license or 86
to deny renewal of a license to a person under division (C) or (F) 87
of this section. 88

(E)(1) If the plea of guilty, finding of guilt, or conviction 89
that is the basis of the action taken under division (B)(2) or (C) 90
of this section, or under the version of division (F) of section 91
3319.311 of the Revised Code in effect prior to September 12, 92
2008, is overturned on appeal, upon exhaustion of the criminal 93
appeal, the clerk of the court that overturned the plea, finding, 94
or conviction or, if applicable, the clerk of the court that 95
accepted an appeal from the court that overturned the plea, 96
finding, or conviction, shall notify the state board that the 97
plea, finding, or conviction has been overturned. Within thirty 98
days after receiving the notification, the state board shall 99
initiate proceedings to reconsider the revocation or denial of the 100
person's license in accordance with division (E)(2) of this 101
section. In addition, the person whose license was revoked or 102
denied may file with the state board a petition for 103
reconsideration of the revocation or denial along with appropriate 104
court documents. 105

(2) Upon receipt of a court notification or a petition and 106
supporting court documents under division (E)(1) of this section, 107
the state board, after offering the person an opportunity for an 108
adjudication hearing under Chapter 119. of the Revised Code, shall 109
determine whether the person committed the act in question in the 110

prior criminal action against the person that is the basis of the
revocation or denial and may continue the revocation or denial,
may reinstate the person's license, with or without limits, or may
grant the person a new license, with or without limits. The
decision of the board shall be based on grounds for revoking,
denying, suspending, or limiting a license adopted by rule under
division (G) of this section and in accordance with the
evidentiary standards the board employs for all other licensure
hearings. The decision of the board under this division is subject
to appeal under Chapter 119. of the Revised Code.

(3) A person whose license is revoked or denied under
division (C) of this section shall not apply for any license if
the plea of guilty, finding of guilt, or conviction that is the
basis of the revocation or denial, upon completion of the criminal
appeal, either is upheld or is overturned but the state board
continues the revocation or denial under division (E)(2) of this
section and that continuation is upheld on final appeal.

(F) The state board may take action under division (B) of
this section, and the state board or the superintendent shall take
the action required under division (C) of this section, on the
basis of substantially comparable conduct occurring in a
jurisdiction outside this state or occurring before a person
applies for or receives any license.

(G) The state board may adopt rules in accordance with
Chapter 119. of the Revised Code to carry out this section and
section 3319.311 of the Revised Code.

(H) The state board shall not refuse to issue a license to an
applicant because of a conviction of, a plea of guilty to, or a
finding of guilt by a jury or court of an offense unless the
refusal is in accordance with section 9.79 of the Revised Code."

In line 70870, after "3319.236," insert "3319.31,"	141
In line 70991, after "1561.23," insert "3319.31,"	142
After line 89468, insert:	143
"Section 3319.31 of the Revised Code as amended by both H.B.	144
123 and H.B. 263 of the 133rd General Assembly."	145

The motion was _____ agreed to.

SYNOPSIS

Teacher licensure disciplinary actions—human trafficking	146
R.C. 3319.31(C)(1)	147
Adds human trafficking to the list of offenses for which the	148
State Board of Education must revoke or deny teacher licensure.	149

_____ moved to amend as follows:

1 In line 85928, delete "\$1,162,990,471 \$1,205,111,140" and
2 insert "\$1,192,004,968 \$1,234,125,637"

3 In line 85931, delete "\$96,659,360 \$96,659,360" and
4 insert "\$67,644,863 \$67,644,863"

5 Delete lines 85991 through 86000

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Department of Rehabilitation and Correction**

9 **Section 383.10**

10 Increases GRF appropriation item 501321, Institutional
11 Operations, by \$29,014,497 in each fiscal year.

12 Reduces GRF appropriation item 501407, Community
13 Nonresidential Programs, by \$29,014,497 in each fiscal year.

14 Removes an earmark of \$29,014,497 in each fiscal year from
15 GRF appropriation item 501407, Community Nonresidential
16 Programs, for grants to counties to supervise and sanction
17 eligible "fifth degree felony offenders" locally under the
18 Targeted Community Alternatives to Prison (T-CAP) program.

19 Removes an earmark of \$29,014,497 in each fiscal year from
20 GRF appropriation item 501407, Community Nonresidential
21 Programs, for grants to counties to supervise and sanction
22 eligible "fourth degree felony offenders" locally under the T-
23 CAP program.

_____ moved to amend as follows:

1 In line 83601, delete "38,212,070" and insert "\$39,062,070"

2 In line 83628, add \$850,000 to fiscal year 2022

3 In line 83659, add \$850,000 to fiscal year 2022

4 In line 83704, delete "\$2,800,000" and insert "\$3,650,000"

5 In line 83705, after "payments" insert "and pay the
6 operating costs"

7 In line 83707, after the second period, insert "An amount
8 equal to \$3,650,000 less any amount used for lease or mortgage
9 payments or to pay the operating costs for the Geneva Lodge and
10 Concurrence center in fiscal year 2022 is hereby appropriated
11 for the same purpose in fiscal year 2023."

12 In line 87202, delete "\$2,800,000" and insert "\$3,650,000"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Natural Resources**

16 **Sections 343.10, 343.30, and 512.150**

17 Increases FY 2022 appropriations under State Park Fund
18 (Fund 5120) appropriation item 725605, State Park Operations by
19 \$850,000 to a total of \$39,062,070.

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20 Increases the amount DNR is required to use over the
21 biennium to make lease or mortgage payments for the Geneva Lodge
22 and Conference Center prior to and upon execution of the
23 agreement specified in Section 715.20 of the bill by \$850,000 to
24 a total of \$3,650,000. Specifies that, in addition to making
25 lease or mortgage payments as under the bill currently, the
26 amount also be used to pay operating costs for the Geneva Lodge
27 and Conference Center.

28 Increases the amount of cash the OBM Director must transfer
29 from the GRF to the State Park Fund (Fund 5120) on July 1, 2021,
30 or as soon as possible thereafter, by \$850,000 to a total of
31 \$3,650,000.

_____ moved to amend as follows:

1 After line 82017, insert:

2 "CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

3 On July 1, 2021, or as soon as possible thereafter, the
4 Director of the Legislative Service Commission may certify to
5 the Director of Budget and Management an amount up to the
6 unexpended, unencumbered balance of the foregoing appropriation
7 item 035405, Correctional Institution Inspection Committee, at
8 the end of fiscal year 2021 to be reappropriated to fiscal year
9 2022. The amount certified is hereby reappropriated to the same
10 appropriation item for fiscal year 2022.

11 On July 1, 2022, or as soon as possible thereafter, the
12 Director of the Legislative Service Commission may certify to
13 the Director of Budget and Management an amount up to the
14 unexpended, unencumbered balance of the foregoing appropriation
15 item 035405, Correctional Institution Inspection Committee, at
16 the end of fiscal year 2022 to be reappropriated to fiscal year
17 2023. The amount certified is hereby reappropriated to the same
18 appropriation item for fiscal year 2023."

19 The motion was _____ agreed to.

20

SYNOPSIS

21

Legislative Service Commission

22

Section 323.20

23

24

25

26

27

28

Authorizes the Director of LSC to certify to the Director of OBM an amount up to the unexpended, unencumbered balance of GRF appropriation item 035405, Correctional Institution Inspection Committee, at the end of FY 2021 and FY 2022 to be reappropriated to FY 2022 and FY 2023, respectively, and reappropriates those amounts.

_____ moved to amend as follows:

1 In line 133 of the title, after "117.55," insert "122.4090,
2 122.4091, 122.4093, 122.4095, 122.4097, 122.4098,"

3 In line 310, after "117.55," insert "122.4090, 122.4091,
4 122.4093, 122.4095, 122.4097, 122.4098,"

5 After line 4776, insert:

6 "Sec. 122.4090. As used in sections 122.4090 to 122.4098 of
7 the Revised Code:

8 "Broadband service" has the same meaning as "tier two
9 broadband service" as defined in section 122.40 of the Revised
10 Code.

11 "Government-owned network" means a network owned or
12 controlled by, or operated in partnership with, any political
13 subdivision of the state that is constructed, operated, or used
14 for the provision of broadband service on a wholesale or retail
15 basis.

16 "Political subdivision" has the same meaning as in section
17 125.04 of the Revised Code.

18 "Tier one broadband service" and "tier two broadband
19 service" have the same meanings as in section 122.40 of the
20 Revised Code.

21 "Unserved area" has the same meaning as in section 122.40
22 of the Revised Code, but is limited to an unserved area located
23 within the geographic boundaries of a political subdivision that
24 has established a government-owned network.

25 Sec. 122.4091. (A) A political subdivision that has
26 established a government-owned network may provide broadband
27 service within an unserved area in accordance with sections
28 122.4091 to 122.4098 of the Revised Code.

29 (B) No political subdivision that has established a
30 government-owned network shall provide broadband service in any
31 part of the state outside of an unserved area of that political
32 subdivision.

33 Sec. 122.4093. Prior to establishing a government-owned
34 network, a political subdivision shall do the following:

35 (A) Provide, in a newspaper of general circulation in the
36 political subdivision at least once a week for two consecutive
37 weeks, a formal public notice of its intent to provide broadband
38 service in an unserved area;

39 (B) Obtain the same approvals and authorizations for the
40 construction and deployment of broadband facilities in the
41 public rights-of-way that are required for broadband service
42 networks operated by private entities.

43 Sec. 122.4095. A political subdivision that has established
44 a government-owned network may provide broadband service only to
45 subscribers residing within unserved areas of the network.

46 Sec. 122.4097. (A) Before proceeding with the construction
47 or deployment of broadband facilities or the operation of
48 broadband service, a political subdivision that establishes a
49 government-owned network under sections 122.4090 to 122.4098 of
50 the Revised Code shall do the following:

51 (1) Establish adequate measures to protect the residents of
52 the political subdivision from increases in any taxes or fees
53 imposed by the political subdivision to offset losses in case of
54 poor network performance of, or insufficient demand for, the
55 network's broadband service;

56 (2) Prepare a formal business plan that includes, at a
57 minimum, the following:

58 (a) A cost-benefit analysis for the network;

59 (b) Financially sound projections for the construction and
60 operating costs for the network, and the number of broadband
61 subscribers that will use the network;

62 (c) Criteria measuring the continued viability and
63 sustainability of the network;

64 (d) Deployment deadlines and performance metrics
65 established for the network.

66 (3) Provide information demonstrating that the proposed
67 operation of the network and provision of broadband service do
68 not adversely affect the political subdivision's credit rating;

69 (4) Provide information demonstrating that the proposed
70 operation of the network and provision of broadband service in
71 partnership with a private entity will not adversely affect the
72 finances of the political subdivision, if the private entity
73 breaches the partnership contract with the political subdivision
74 or fails to meet capital or operating cost obligations;

75 (5) Conduct annual independent audits of the network's
76 operation and the broadband service provided and provide a
77 mechanism for making the audit results available for review by
78 the public;

79 (6) Establish a mechanism to equitably refund any profits
80 to taxpayers of the political subdivision, if the provision of
81 broadband service through the operation of the network generates
82 a net profit.

83 (B) The political subdivision shall submit, to the
84 legislative authority of the political subdivision, the business
85 plan and the information required under divisions (A) (2) to (4)
86 of this section.

87 **Sec. 122.4098.** (A) (1) A political subdivision shall fund a
88 government-owned network solely with capital funds allocated

89 specifically for the construction, deployment, purchase, lease,
90 or operation of broadband facilities in the network.

91 (2) The funds shall be allocated pursuant to a formal
92 resolution adopted by the legislative authority of the political
93 subdivision.

94 (3) Capital budget funds shall not be allocated unless the
95 legislative authority has reviewed the business plan and
96 information provided pursuant to division (B) of section
97 122.4097 of the Revised Code and approved the business plan.

98 (B) A political subdivision shall not use revenues obtained
99 from, or public monies allocated for, its provision of other
100 residential or business services, including such services as
101 electric, water, gas, street-lighting, pole attachment, and
102 similar services, to fund or subsidize the construction,
103 deployment, purchase, lease, or operation of broadband
104 facilities or the provision of broadband service to subscribers.

105 (C) A political subdivision shall not aggregate federal
106 funds received at different times to fund or subsidize the
107 construction, deployment, purchase, lease, or operation of
108 broadband facilities, or the provision of broadband service to
109 subscribers."

110 The motion was _____ agreed to.

111

SYNOPSIS

112

Government-owned broadband networks

113 **R.C. 122.4090, 122.4091, 122.4093, 122.4095, 122.4097,**
114 **122.4098,**

115 Permits political subdivisions to establish a government-
116 owned network for the provision of broadband service on a
117 wholesale or retail basis only in unserved areas within the
118 political subdivision, but not to any part of the state outside
119 of that unserved area.

120 Defines "unserved areas" as areas within the geographic
121 boundaries of the political subdivision with a network that are
122 without access to "tier one broadband service" (broadband
123 service capable of speeds of at least 10 but less than 25 Mbps
124 downstream and at least 1 but less than 3 Mbps upstream) or
125 "tier two broadband service" (broadband service capable of
126 speeds of at least 25 Mbps downstream and at least 3 Mbps
127 upstream).

128 Requires a political subdivision with a network to (1)
129 provide notice in a newspaper of its intent to provide broadband
130 service in an unserved area and (2) obtain the same approvals
131 and authorizations that private entities must obtain to
132 construct and deploy broadband facilities in public rights of
133 way.

134 Requires the political subdivision to perform certain other
135 tasks such as (1) preparing a formal business plan for the
136 network, (2) establishing measures to protect residents from any
137 increase in taxes or fees to offset any losses if the network
138 performance is poor or demand for the service is insufficient,
139 (3) providing information demonstrating that the network and
140 provision of broadband service does not adversely affect the
141 political subdivision's credit rating, and (4) establishing a
142 mechanism to refund any profits to taxpayers if the provision of
143 broadband service through the operation of the network generates
144 a net profit.

145 Requires the network to be funded by capital funds
146 allocated by the legislative authority of the political
147 subdivision in a resolution adopted by the legislative authority
148 after it approves the business plan submitted by the political
149 subdivision.

SC4546X1

150 Prohibits the political subdivision with a network from
151 aggregating federal funds received at different times or using
152 revenues and other public monies allocated for other residential
153 or business services to fund or subsidize the construction,
154 deployment, purchase, lease, or operation of broadband
155 facilities, or the provision of broadband service to
156 subscribers.

_____ moved to amend as follows:

1 In line 60612, after "(3)" strike through the balance of
2 the line

3 Strike through lines 60613 and 60614

4 In line 60615, strike through "(4)"

5 In line 60618, strike through "(5)" and insert "(4)"

6 After line 60620, insert:

7 "(5) "SFF list" means the list of nursing facilities that
8 the United States department of health and human services
9 creates under the special focus facility program.

10 (6) "Special focus facility program" means the program
11 conducted by the United States secretary of health and human
12 services pursuant to section 1919(f) (10) of the "Social
13 Security Act," 42 U.S.C. 1396r(f)(10).

14 (7) "Table A" means the table included in the SFF list that
15 identifies nursing facilities that are newly added to the SFF
16 list.

17 (8) "Table B" means the table included in the SFF list that
18 identifies nursing facilities that have not improved.

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19 (9) "Table C" means the table included in the SFF list that
20 identifies nursing facilities that have recently graduated from
21 the special focus facility program."

22 In line 60622, strike through the second comma and insert
23 "and"; strike through the third comma; strike through "(F)";
24 delete ", and (G)" and insert "and except as provided in
25 division (E)"

26 In line 60642, strike through "(F) (2)" and insert "(E) (3)"

27 In line 60648, strike through "divisions" and insert
28 "division"; strike through "and (3)"

29 In line 60651, delete the underlined comma

30 Delete line 60652

31 In line 60658, delete "preceding" and insert "during which"

32 In line 60672, delete ", including a"

33 In line 60673, delete everything before "for"

34 In line 60682, after "2022" insert "or for state fiscal
35 year 2023"

36 In line 60684, delete "thirty-third" and insert "twenty-
37 fifth"

38 In line 60685, after "zero" insert "for that fiscal year"

39 Delete lines 60686 through 60690

40 Strike through line 60691

41 In line 60692, strike through "state fiscal year"; delete
42 "2022 and 2023" and strike through the balance of the line

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43 Strike through lines 60693 through 60696

44 In line 60697, strike through "for state fiscal year";
45 delete "2022 or state fiscal year 2023"; strike through "if the"

46 Strike through line 60698

47 In line 60699, strike through "eighty per cent"; delete "in
48 that fiscal year"; strike through the period

49 Strike through lines 60700 through 60702

50 In line 60703, strike through "(C) of this section for";
51 delete "the"; strike through "state fiscal year"; strike through
52 "of at least"

53 Strike through lines 60704 and 60705

54 In line 60706, strike through "participation in the
55 medicaid program on or after January 1"

56 Delete line 60707

57 In line 60708, delete "is determined"; strike through the
58 semicolon

59 Strike through lines 60709 and 60710

60 In line 60711, strike through "capacity could not be used
61 for resident care during"; delete "the"; strike through
62 "calendar"

63 In line 60712, strike through "year"; delete everything
64 after "~~2019~~"

65 In line 60713, delete "determined" and strike through the
66 balance of the line

SC4548

67 Strike through lines 60714 and 60715

68 In line 60716, strike through "facility underwent a
69 renovation during the"; delete "two-year"; strike through
70 "period"

71 In line 60717, strike through "beginning January 1"; delete
72 "of the"

73 Delete line 60718

74 In line 60719, delete "the rate is determined" and strike
75 through the balance of the line

76 Strike through lines 60720 through 60730

77 In line 60731, strike through "31"; delete everything after
78 "~~2019,~~"

79 In line 60732, delete "the rate is determined," and strike
80 through the balance of the line

81 Strike through lines 60733 through 60737

82 In line 60738, strike through "for"; delete "the"; strike
83 through "calendar year"; delete everything after "~~2019~~"

84 In line 60739, delete "rate is determined" and strike
85 through the balance of the line

86 Strike through lines 60740 through 60748

87 In line 60749, strike through "written documentation of the
88 number of days during"; delete "that"; strike through "calendar"

89 In line 60750, strike through "year"; strike through
90 everything after "~~2019~~"

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91 Strike through line 60751 through 60757

92 In line 60758, strike through "(E)" and insert "(D)"

93 In line 60760, delete everything after "if"

94 Strike through line 60761

95 In line 60762, strike through "payment rate"; delete "for"

96 Delete line 60763

97 In line 60764, delete "year for which the rate is

98 determined"; strike through "is"; delete "calculated"

99 Strike through lines 60765 and 60766

100 In line 60767, strike through "during"; delete "the";

101 strike through "state fiscal year"; delete "or the"

102 Delete line 60768 and insert "the Department of Health

103 assigned the nursing facility to the SFF list under the special

104 focus facility program and the nursing facility is listed in

105 table A, table B, or table C on the first day of May of the

106 calendar year for which the rate is being"

107 In line 60770, strike through "(F)" and insert "(E)"

108 In line 60781, strike through (F)(1)(a) and insert

109 "(E)(1)(a)"

110 In line 60786, strike through "(F)(1)(b)" and insert

111 "(E)(1)(b)"

112 Delete lines 60790 through 60801

113 After line 60801, insert:

114 "(G) A new nursing facility or a nursing facility that
115 undergoes a change of operator during fiscal year 2022 or fiscal
116 year 2023 shall not receive a quality incentive payment for the
117 fiscal year in which the new facility obtains an initial
118 provider agreement or the change of operator occurred, whichever
119 is applicable. For the immediately following state fiscal year,
120 the quality incentive payment shall be determined under division
121 (C) of this section."

122 In line 60802, after "(A)" delete the balance of the line

123 Delete lines 60803 through 60816

124 In line 60817, delete "(C)"; delete "commission" and insert
125 "joint medicaid oversight committee"

126 In line 60826, delete "commission" and insert "joint
127 medicaid oversight committee"

128 In line 60828, after the comma insert "the senate
129 president, the speaker of the house of representatives, the
130 minority leaders of the senate and the house of representatives,
131 the chair and ranking minority member of the standing committee
132 on finance in the senate, the chair and ranking minority member
133 of the standing committee on finance in the house of
134 representatives, and the medicaid director"

135 In line 60832, reinsert "The" and delete the balance of the
136 line

137 In line 60833, delete "this section, the"

SC4548

138 Delete lines 60845 through 60848

139 In line 82720, after "(B)" insert "The Department of
140 Medicaid shall conduct its next rebasing on the effective date
141 of the amendments to section 5165.36 of the Revised Code by this
142 act. That rebasing calculation shall be based on data provided
143 by nursing facilities for calendar year 2019.

144 (C) "

145 In line 82723, delete "as calculated"

146 In line 82724, delete everything after "under" and insert
147 "this section."

148 After line 82736, insert:

149 "(D) The Department shall pay nursing facility operators
150 for services provided July 1, 2021, through the date of the
151 rebasing required under division (B) of this section based on
152 the cost centers as determined under that rebasing. If the
153 Department paid nursing facility operators for services during
154 that time at a different rate, the department shall pay or
155 recover the difference between any payments that were made and
156 the payments as calculated using the data from the rebasing
157 required under division (B) of this section."

158 The motion was _____ agreed to.

SYNOPSIS

159

160 **Nursing facility quality improvement payments**161 **R.C. 5165.26 and 5165.151**

162 Makes the following changes to nursing facility quality
163 incentive payments:

164 --Clarifies that the CMS data used in determining the
165 quality metrics is based on data available in May of the
166 calendar year during which the fiscal year begins, instead of
167 the calendar year preceding the year the fiscal year begins.

168 --Eliminates a provision of current law that disqualifies a
169 nursing facility from receiving a quality incentive payment if
170 its licensed occupancy percentage is below 80% unless certain
171 conditions are met (such as the occurrence of a force majeure
172 event or if the facility undergoes a renovation that directly
173 impacts the area where the facility's licensed capacity beds are
174 located).

175 --Changes a House-added provision that specifying that a
176 nursing facility receives zero quality points for FY 2022 if its
177 number of points for all quality metrics are below the 33rd
178 percentile of all nursing facilities to below the 25th
179 percentile and also applies that provision to FY 2023.

180 --Provides that a nursing facility receives no quality
181 incentive payment for a fiscal year if it is on CMS's Special
182 Focus Facility Program list.

183 Provides that a nursing facility that is new or undergoes a
184 change of operator during FY 2022 or FY 2023 receives no quality
185 incentive payment for that fiscal year (prior versions of the
186 bill said that if a nursing facility undergoes a change of
187 operator during those fiscal years, the payment to the entering
188 operator is the same as it was for the exiting operator).

189 --Removes two House-added references to facilities that
190 underwent a change of operator in the formula for calculating a
191 nursing facility's quality incentive payment (House-added
192 language includes a formula specific to the payments for
193 facilities that underwent a change of operator).

194 **Nursing facility rebasing**

195 **R.C. 5165.36; Section 333.240**

196 Modifies House-added language that requires the Department
197 to conduct its next rebasing by June 30, 2022, to instead
198 require the rebasing on the act's effective date (approximately
199 October 1, 2021).

200 Requires the Department to use that data to make
201 retroactive payments to nursing facility operators for the
202 period from July 1, 2021, through the date of the rebasing.

203 **Nursing facility payment commission**

204 **R.C. 5165.261**

205 Modifies House-added language that establishes the nursing
206 facility payment commission to analyze the efficacy of certain
207 calculation metrics relating to nursing facility payments and
208 submit a report to the General Assembly, to instead require the
209 Joint Medicaid Oversight Committee to analyze the information
210 and submit a report.

211 Expands the list of recipients of the report to enumerate
212 specific members of the General Assembly and also include the
213 Medicaid Director.

_____ moved to amend as follows:

1 In line 77040, delete "\$6,948,998,712 \$7,090,348,712" and

2 insert "\$6,950,998,712 \$7,094,098,712"

3 In line 77047, add \$2,000,000 to fiscal year 2022 and

4 \$3,750,000 to fiscal year 2023

5 In line 77099, add \$2,000,000 to fiscal year 2022 and

6 \$3,750,000 to fiscal year 2023

7 In line 79164, delete "WITH"

8 In line 79165, delete "ENROLLMENT GROWTH"

9 Delete lines 79167 through 79181

10 In line 79182, delete "(2)" and insert "(1)"

11 In line 79190, delete "(3)" and insert "(2)"

12 In line 79194, delete "(4)" and insert "(3)"

13 After line 79199, insert:

14 "(4) A city, local, or exempted village school district's

15 "recalculated state share index for fiscal year 2019" is the

16 state share index determined for the district under division

17 (B)(1) of the section of this act entitled "FUNDING FOR CITY,

18 LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM

19 SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS"

SC4549

20 In line 79204, after "(B)(1)" insert "As used in division
21 (B) of this section, "eligible district" means a city, local, or
22 exempted village school district that satisfies both of the
23 following:

24 (a) The district's recalculated foundation funding for
25 fiscal year 2019 and recalculated transportation funding for
26 fiscal year 2019 is adjusted under division (D) of the section
27 of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY,
28 LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS;"

29 (b) The district's average daily membership for fiscal year
30 2020, as that term is defined in division (A)(1)(b) of the
31 section of this act entitled "TEMPORARY TRANSITIONAL AID FOR
32 CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS," is greater
33 than one hundred per cent of the district's average daily
34 membership described in division (A)(1)(a)(i) of the section of
35 this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL,
36 AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

37 (2)"; delete "(B)(2)" and insert "(D)"

38 In line 79206, after "eligible" insert "school"

39 In line 79212, delete the first "this" and insert "the"

40 After line 79215, insert:

41 "(C) (1) As used in division (C) of this section, "eligible
42 school district" means a city, local, or exempted village school
43 district that satisfies all of the following conditions:

44 (a) The district's recalculated foundation funding for
45 fiscal year 2019 and recalculated transportation funding for
46 fiscal year 2019 is adjusted under division (D) of the section
47 of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY,
48 LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

49 (b) The following quotient is greater than or equal to
50 0.50:

51 [(The district's foundation funding subject to the
52 limitation - the district's foundation funding subject to the
53 limitation as adjusted under division (D) of the section of this
54 act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND
55 EXEMPTED VILLAGE SCHOOL DISTRICTS") / the district's foundation
56 funding subject to the limitation]

57 (c) The district's recalculated state share index for
58 fiscal year 2019 is greater than or equal to 0.50.

59 (2) Subject to division (D) of this section, for each of
60 fiscal years 2022 and 2023, the Department of Education shall
61 pay each eligible school district an amount calculated as
62 follows:

63 (\$225, for fiscal year 2022, or \$425, for fiscal year 2023)

64 X the district's enrolled ADM for fiscal year 2019"

65 In line 79216, delete "(2)" and insert "(D)"; delete "an
66 eligible district receive a payment" and insert "the sum of any
67 city, local, or exempted village school's payments"

68 In line 79217, after "under" insert "divisions (B) and (C)
69 of"; delete "that is" and insert "be"

70 The motion was _____ agreed to.

71 SYNOPSIS

72 **Cap relief payment**

73 **Section 265.235**

74 For FY 2022 and FY 2023, requires the Department to make a
75 cap relief payment to each "eligible school district" equal to
76 the product of (1) \$225, for FY 2022, or \$425, for FY 2023, and
77 (2) the district's enrolled ADM for FY 2019.

78 Specifies that an "eligible school district" is a district
79 that satisfies all of the following conditions:

80 (1) The district's "recalculated foundation funding for
81 FY 2019" and "recalculated transportation funding for FY 2019"
82 is subject to the cap;

83 (2) The portion of the district's "recalculated foundation
84 funding for FY 2019" and "recalculated transportation funding
85 for FY 2019" that is subject to the cap that the district is not
86 paid after application of the cap under the substitute bill is
87 greater than or equal to 50% of the sum of the district's
88 "recalculated foundation funding for FY 2019" and "recalculated
89 transportation funding for FY 2019" that is subject to the cap;
90 and

91 (3) The district's "recalculated state share index for
92 FY 2019" is greater than or equal to 50%.

93 Specifies that a city, local, or exempted village school
94 district's payment under this provision and the additional cap
95 relief payment provision in the substitute bill cannot exceed
96 the portion of the district's "recalculated foundation funding
97 for FY 2019" and "recalculated transportation funding for
98 FY 2019" that is subject to the cap that the district is not
99 paid after application of the cap under the amendment's
100 provisions.

101 **Department of Education**

102 **Section 265.10**

103 Increases GRF appropriation item 200550, Foundation Funding
104 - All Students, by \$2,000,000 in fiscal year 2022 and \$3,750,000
105 in fiscal year 2023.

_____ moved to amend as follows:

1 After line 24900, insert:

2 "(5) "Caretaker" means the parent of a minor child or a
3 relative acting in the parent's place."

4 In line 24904, after "Code" insert ", regardless of whether
5 the student is enrolled in a school building described in
6 division (A) (1) or (C) of that section,"

7 In line 24910, delete "or" and insert an underlined comma

8 In line 24911, after "custodian" insert ", or kinship
9 caregiver"

10 In line 24912, delete "or" and insert an underlined comma

11 In line 24913, after "custodian" insert ", or kinship
12 caregiver"

13 Delete lines 24919 through 24922

14 After line 24922, insert:

15 "(6) The student satisfies all of the following conditions:

16 (a) The student is not a foster child or a student
17 described in division (B) (4) of this section.

18 (b) The student has resided in the household of an
19 individual who is not the student's parent or guardian for at
20 least forty-five consecutive days within the last calendar year
21 and, if not for residing in that household, the student would
22 have been homeless.

23 (c) The student's parent or guardian resides in this state.

24 (7) The student is not a child described in division (B) (6)
25 of this section, but has resided in the same household as a
26 child described in that division for at least forty-five
27 consecutive days within the last calendar year."

28 After line 24928, insert:

29 "(D) The department of education may request any individual
30 applying for a scholarship under this section on behalf of a
31 qualifying student to provide appropriate documentation, as
32 defined by the department, that the student meets the
33 eligibility qualifications prescribed under this section. In the
34 case of a student who qualifies under division (B) (6) of this
35 section, such documentation shall be provided by the student's
36 parent, guardian, or caretaker."

37 In line 24938, after "Code" insert ", regardless of whether
38 the student is enrolled in a school building described in
39 division (A) (1) or (C) of that section"

40 The motion was _____ agreed to.

41

SYNOPSIS

42

Ed Choice eligibility

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R.C. 3310.033 and 3310.034

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Eliminates a provision of the substitute bill that makes a qualifying student eligible for a performance-based Educational Choice (Ed Choice) scholarship if that student is not a foster child and does not reside in a certified foster home, but has resided in the same household as a foster child for at least 45 consecutive days within the last calendar year.

50

51

Qualifies for a performance-based Ed Choice Scholarship any of the following:

52

(1) A student who is placed with a kinship caregiver;

53

54

55

(2) A student who is not placed with a kinship caregiver, but has resided in the same household as such a child for at least 45 consecutive days within the last calendar year;

56

(3) A student who:

57

58

(a) Is not placed as a foster child or with a guardian, legal custodian, or kinship caregiver;

59

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(b) Has resided in the household of an individual who is not the student's parent or guardian for at least 45 consecutive days within the last calendar year and, if not for residing with that individual, would have been homeless; and

64

(c) Has a parent or guardian residing in Ohio.

65

66

67

(4) A student who is not a child described in (3), but has resided in the same household as such a child or at least 45 consecutive days within the last calendar year.

68

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72

Permits the Department of Education to request that any individual applying for a scholarship under the provision provide appropriate documentation, as defined by the Department, that the student meets the eligibility qualifications prescribed under the provision.

SC4550X1

73 Specifies that, in the case of a student who otherwise
74 would be homeless, such documentation must be provided by the
75 student's parent, guardian, or caretaker.

76 Clarifies provisions of the substitute bill that qualify
77 the following students for a performance-based Educational
78 Choice (Ed Choice) scholarship by specifying that those students
79 are eligible regardless of whether they are enrolled in an Ed
80 Choice designated school building:

81 (1) Students who received an Autism or Jon Peterson Special
82 Needs scholarship but no longer qualify for either of those
83 scholarships because they no longer are in need of special
84 education and related services.

85 (2) Students whose sibling received a scholarship for the
86 school year immediately prior to the school year for which the
87 student is seeking a scholarship.

88 (3) Students who are placed as a foster child.

89 (4) Students who are placed with a guardian, legal
90 custodian, or kinship caregiver.

91 (5) Students who resided in the same household for at least
92 45 consecutive days within the last calendar year with a student
93 who is placed with a guardian, legal custodian, or kinship
94 caregiver.

95 (6) Students who reside in a home certified as a foster
96 home even if not a foster child themselves.

97 (7) Students who have a parent or guardian in Ohio and who
98 are not foster children and are not placed with a guardian,
99 legal custodian, or kinship caregiver, but who have resided in
100 the household of an individual who is not the student's parent
101 or guardian for at least 45 consecutive days within the last
102 calendar year and, if not for residing in that household, would
103 have been homeless.

_____ moved to amend as follows:

1 After line 84501a, insert:

2 "GRF 235539 Wright State \$2,860,830 \$2,860,830"

3 University Clinical

4 Teaching

5 In line 84519, add \$2,860,830 to each fiscal year

6 In line 84546, add \$2,860,830 to each fiscal year

7 In line 85490, after the second semicolon insert "235539,

8 Wright State University Clinical Teaching;"

9 In line 85905, after the first comma insert "235539, Wright
10 State University Clinical Teaching,"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Higher Education**

14 **Sections 381.10, 381.300, and 381.550**

15 Restores GRF appropriation item 235539, Wright State
16 University Clinical Teaching, with appropriations of \$2,860,830
17 in each fiscal year, to be distributed to WSU to support the
18 laboratory and clinical components of medical and other
19 professional education in facilities at its medical college.
20 Accordingly, adds WSU to the requirement that it report to the
21 Chancellor of Higher Education the residency status of graduates
22 from its medical program receiving funding from appropriation
23 item 235539 one year and five years after graduating.

_____ moved to amend as follows:

1 In line 84741, delete "power and gender-based" and insert
2 "sexual"

3 In line 84748, delete "power and gender-based" and insert
4 "sexual"

5 In line 84749, delete "power and"

6 In line 84750, delete "gender-based" and insert "sexual"

7 In line 84753, delete "power and"

8 In line 84754, delete "gender-based" and insert "sexual"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Higher Education**

12 **Section 381.120**

13 Modifies language pertaining to GRF appropriation item
14 235492, Campus Safety and Training, by replacing references to
15 "power and gender-based" violence with "sexual" violence,
16 effectively retaining language in current temporary law for item
17 235492 under H.B. 166 of the 133rd General Assembly.

_____ moved to amend as follows:

1 In line 60974, after "(B)" insert "(1)"

2 In line 60978, delete "(1)" and insert "(a)"

3 In line 60980, delete "(2)" and insert "(b)"

4 In line 60982 delete "(3)" and insert "(c)"

5 After line 60985, insert:

6 "(2) Division (B)(1) of this section does not apply to a
7 behavioral health managed care plan selected to assist the state
8 to implement the Ohio resilience through integrated systems and
9 excellence (OhioRISE) program for children and youth involved in
10 multiple state systems or children and youth with other complex
11 behavioral health needs."

12 After line 82813, insert:

13 "This section does not apply to the single statewide
14 behavioral health managed care plan selected to assist the state
15 to implement the Ohio Resilience through Integrated Systems and
16 Excellence (OhioRISE) Program for children and youth involved in
17 multiple state systems or children and youth with other complex
18 behavioral health needs."

19 The motion was _____ agreed to.

20

SYNOPSIS

21

Medicaid managed care organization procurement

22

R.C. 5167.10; Section 333.250

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Exempts from the substitute bill's requirements regarding Medicaid managed care procurement a behavioral health managed care plan selected to assist with implementing the Ohio Resilience through Integrated Systems and Excellence (OhioRISE) Program.

_____ moved to amend as follows:

1 In line 80962, delete "\$490,500,000" and insert
2 "\$540,500,000"

3 In line 80970, add \$50,000,000 to fiscal year 2022

4 In line 80971, add \$50,000,000 to fiscal year 2022

5 Delete line 81637 through 81651 and insert:

6 "Of the foregoing appropriation item 600617, Child Care
7 Federal, \$50,000,000 in fiscal year 2022 of the amounts provided
8 from the "Consolidated Appropriations Act, 2021" Pub. L. No.
9 116-260 shall be used to provide a discount to the co-payments,
10 established under section 5104.38 of the Revised Code, for
11 families participating in publicly funded child care.

12 All of the following apply to funds provided through the
13 "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or
14 the "American Rescue Plan Act of 2021," Pub. L. No. 117-2,
15 including funds appropriated through appropriation item 600617,
16 Child Care Federal:

17 (A) In the event "Consolidated Appropriations Act, 2021"
18 funds not previously appropriated by the General Assembly,
19 including through Controlling Board or as part of S.B. 109 of

20 the 134th General Assembly, remain available, the Department of
21 Job and Family Services shall use the funds to provide direct
22 child care payments to licensed providers serving children
23 eligible for publicly funded child care;

24 (B) In the event Ohio receives federal Child Care
25 Development Fund (CCDF) supplemental discretionary funds from
26 the "American Rescue Plan Act of 2021," the Department of Job
27 and Family Services shall use the funds to provide direct child
28 care payments to licensed providers serving children eligible
29 for publicly funded child care."

30 The motion was _____ agreed to.

31 SYNOPSIS

32 **Department of Job and Family Services**

33 **Sections 307.10 and 307.270**

34 Increase FED Fund 3H70 appropriation item 600617, Child
35 Care Federal, by \$50,000,000 in FY 2022 and requires that this
36 amount from the Consolidated Appropriations Act be used to
37 provide discounted co-payments for families participating in
38 publicly funded child care.

39 Removes provisions added by S. Finance that would have
40 prohibited ODJFS from using funds provided through the federal
41 Consolidated Appropriations Act, 2021 (which includes the
42 Coronavirus Response and Relief Supplemental Appropriations Act,
43 2021) or the federal American Rescue Plan Act of 2021 for the
44 following purposes:

45 --Provide stipends or workforce supports to child care
46 staff, early childhood professionals, or administrators; and

SC4557

47 --Assist providers of publicly funded child care in
48 improving their Step Up to Quality ratings.

49 Revises the provision added by S. Finance which would have
50 required ODJFS, when distributing the funds, to prioritize
51 increasing direct child care payments to publicly funded child
52 care providers by instead requiring the following:

53 --That any Consolidated Appropriations Act funds not
54 previously appropriated by the General Assembly, including by
55 Controlling Board or S.B. 109 of the 134th General Assembly, be
56 used to provide direct child care payments to licensed providers
57 serving children eligible for publicly funded child care;

58 --That any Child Care Development Fund (CCDF) supplemental
59 discretionary funds from the American Rescue Plan Act that Ohio
60 receives be used to provide direct child care payments to
61 licensed providers serving children eligible for publicly funded
62 child care.

_____ moved to amend as follows:

1 After line 82230, insert:

2 **"Section 333.30.** LEAD ABATEMENT AND RELATED ACTIVITIES

3 Upon the request of the Medicaid Director, the Director of
4 Budget and Management may transfer up to \$5,000,000 in
5 appropriations in each fiscal year from appropriation item
6 651525, Medicaid Health Care Services, to appropriation items in
7 the Department of Health for the purpose of lead abatement
8 activities. The Medicaid Director may seek Controlling Board
9 approval to transfer amounts in excess of \$5,000,000 in
10 appropriations in each fiscal year to the Department of Health
11 for lead abatement activities. The Director of Medicaid may
12 transfer federal funds as the state's single state agency for
13 Medicaid reimbursements, as drawn for these transactions.
14 Amounts transferred are hereby appropriated."

15 The motion was _____ agreed to.

16

SYNOPSIS

17

Department of Medicaid

18

Section 333.30

19

20 Allows the OBM Director, upon the request of the Medicaid
21 Director, to transfer up to \$5.0 million in appropriations in
22 each fiscal year from GRF appropriation item 651525, Medicaid
23 Health Care Services, to appropriation items in the Department
of Health for the purposes of lead abatement activities.

24

25 Allows the Medicaid Director to seek the approval of the
26 Controlling Board to transfer amounts in excess of \$5.0 million
27 in appropriations in each fiscal year to the Department of
Health for lead abatement activities.

28

29 Permits the Medicaid Director to transfer federal funds for
these transactions. Appropriates any transferred amounts.

_____ moved to amend as follows:

1 In line 75540, delete "\$1,052,833" and insert "\$1,102,833"

2 In line 75541, add \$50,000 to fiscal year 2022

3 In line 75551, add \$50,000 to fiscal year 2022

4 After line 75574, insert:

5 "Of the foregoing appropriation item 874320, Maintenance
6 and Equipment, up to \$50,000 in fiscal year 2022 shall be used
7 to display inside the Statehouse borrowed or purchased United
8 States, Ohio, or Ohio military flags that have historical
9 significance to the state of Ohio. The use of these funds is
10 subject to approval of the members of the Capitol Square Review
11 and Advisory Board. The Board shall consult with the Ohio
12 History Connection regarding the display."

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Capitol Square Review and Advisory Board**

16 **Section 231.10**

17 Increases GRF appropriation item 874320, Maintenance and
18 Equipment by \$50,000, from \$1,052,833 to \$1,102,833, in fiscal

SC4560

19 year 2022, and earmarks that amount to be used for a Statehouse
20 display of borrowed or purchased United States, Ohio, or Ohio
21 military flags that have historical significance to the state of
22 Ohio.

23 Specifies that the use of these funds be subject to the
24 approval of the members of the Capitol Square Review and
25 Advisory Board and requires the Board to consult with the Ohio
26 History Connection regarding the display.

_____ moved to amend as follows:

1 In line 32497, after "section" insert ".
2 (20) If the funding unit is a city, local, or exempted
3 village school district, a minimum state share opportunity grant
4 supplement calculated as follows:

5 (The formula amount X the district's enrolled ADM X 0.075)
6 - (the amount calculated for the district under division (A) (1)
7 of this section)

8 If the amount calculated under division (A) (20) of this
9 section is less than zero, the district's minimum state share
10 opportunity grant supplement shall be equal to zero"

11 In line 77040, delete "\$6,948,998,712 \$7,090,348,712" and
12 insert "\$6,950,498,712 \$7,092,848,712"

13 In line 77047, add \$1,500,000 to fiscal year 2022 and
14 \$2,500,000 to fiscal year 2023

15 In line 77099, add \$1,500,000 to fiscal year 2022 and
16 \$2,500,000 to fiscal year 2023

17 In line 78202, delete "and"; after "(14)" insert ", and
18 (20) "

19 In line 78576, delete "and"; after "(12)" insert ", and
20 (20)"

21 The motion was _____ agreed to.

22 SYNOPSIS

23 **Minimum state share opportunity grant supplement**

24 **R.C. 3317.022; Sections 265.220 and 265.223**

25 Requires the Department of Education to pay a minimum state
26 share opportunity grant supplement to each city, local, and
27 exempted village school district for FY 2022 and each fiscal
28 year thereafter that is equal to the product of the formula
29 amount, the district's enrolled ADM, and 7.5%, minus the
30 district's opportunity grant for the fiscal year for which the
31 payment is calculated.

32 Specifies that if this calculation results in a negative
33 number, the district's supplement is equal to zero.

34 For purposes of payments for FY 2022 and FY 2023 under the
35 substitute bill's provisions, provides that the minimum state
36 share opportunity grant supplement is not paid in accordance
37 with the provision described above and, instead, includes the
38 supplement in each district's "recalculated foundation funding
39 for FY 2019" and requires it to be calculated using the
40 district's enrolled ADM for FY 2019.

41 Specifies that, for FY 2022 and FY 2023, the supplement is
42 subject to the substitute bill's cap and guarantee provisions
43 and is included in the calculation of cap relief payments for
44 districts.

45 **Department of Education**

46 **Section 265.10**

47 Increases GRF appropriation item 200550, Foundation Funding
48 - All Students, by \$1,500,000 in fiscal year 2022 and \$2,500,000
49 in fiscal year 2023.